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HANSARD'S

PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

44° VICTORIÆ, 1881.

VOL. CCLXII.

COMPRISING THE PERIOD FROM

THE THIRD DAY OF JUNE 1881,

TO

THE FOURTH DAY OF JULY 1881.

SIXTH VOLUME OF THE SESSION

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The House met at Two o'clock;—And having gone through the Business on the Paper, without debate— [House adjourned.]

COMMONS, FRIDAY, JUNE 3.

Private Bills—

Ordered, That Standing Orders 129 and 39 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, and for depositing duplicates of any Documents relating to any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Thursday the 9th instant,—(*The Chairman of Ways and Means.*)

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To leave out from the word "That" to the end of the Question, in order to add the words "this House views with regret the reactionary character of the New French General Tariff, and is of opinion that no Commercial Treaty between Great Britain and France will be satisfactory which does not tend to the development of Commercial relations between the two Countries by a further reduction of duties,"—(*Mr. Monk,*)—instead thereof 119

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Question again proposed, "That a sum, not exceeding £6,500, be granted, &c."—After short debate, *Moved,* "That the Chairman do report Progress, and ask leave to sit again,"—(*Viscount Folkestone*:)—After further short debate, Question put, and *negatived.*

Question put, "That a sum, not exceeding £6,500, be granted, &c.:"—The Committee *divided;* Ayes 30, Noes 97; Majority 67.—(Div. List, No. 234.)

Original Question put, and *agreed to.*

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Rivers Conservancy and Floods Prevention Bill [*Lords*]—

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Original Question put, and *agreed to.*

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Original Question again proposed 275

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Amendment proposed, to leave out the word "nineteen," in order to insert the words "twenty-one,"—(*Mr. Heneage,*)—instead thereof.

Question, "That the word 'nineteen' stand part of the Question," put, and *negatived.*

Question, "That the words 'twenty-one' be inserted instead thereof," put, and *agreed to.*

Ordered, That the Select Committee on the Rivers Conservancy and Floods Prevention Bill do consist of twenty-one Members.

Select Committee *nominated* :—List of the Committee.

Moved, "That the Committee have power to send for persons, papers, and records,"—(*Mr. Stanhope* :)—After short debate, Question put:—The House *divided;* Ayes 63, Noes 116; Majority 53.—(Div. List, No. 238.)

Moved, "That the River Floods Prevention Bill be referred to the Select Committee,"—(*Mr. Magniac* :)—After short debate, Motion *agreed to.*

Ordered, That all Petitions for or against the Bills be referred to the said Select Committee,—(*Mr. Hibbert.*)

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Bill, as amended, *considered* 285

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The House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

LAND LAW (ENGLAND)—LAW OF ENTAIL—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Law permitting the creation and perpetuation of life estates in land has caused great injury to all classes of the people, and specially to owners and occupiers of land and the labourers employed in its cultivation, and that such a change in the Law is imperatively required as shall prevent (with very slight exception) the creation of such estates, and shall secure a real and competent ownership, and a complete freedom in the buying and selling of land throughout the Country,"—(*Mr. William Fowler*,)—instead thereof .. 286

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Bill *considered* in Committee [*Progress 3rd June*] [SEVENTH NIGHT] .. 360

After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Alkali, &c. Works Regulation Bill [*Lords*] [Bill 119]—

Bill *considered* in Committee [*Progress 2nd June*] 441

After some time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next, and to be *printed.* [Bill 185.]

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After short debate, [House counted out.]

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NAVY—LOSS OF H.M.S. "ATALANTA"—MOTION FOR A RETURN—

Moved, "That there be laid before this House Return of the entire expenses caused by the proceedings of the Committee appointed to inquire respecting the loss of H.M.S. 'Atalanta,'"—(*The Viscount Sidmouth*) 453

After short debate, Motion (by leave of the House) *withdrawn.*

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ORDER OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress* 13*th June*] [EIGHTH NIGHT] .. 472

After long time spent therein, Committee report Progress; to sit again upon *Thursday.*

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

MOTIONS.

LIQUOR TRAFFIC—RESOLUTION—

Moved, "That, in the opinion of this House, it is desirable to give legislative effect to the Resolution passed on the 18th day of June 1880, which confirms the justice of local communities being entrusted with the power to protect themselves from the operation of the Liquor Traffic,"—(*Sir Wilfrid Lawson*) 524

After debate, Question put:—The House *divided;* Ayes 196, Noes 154; Majority 42.

Division List, Ayes and Noes 562

Suspension of Evictions (Ireland) Bill—

Moved, "That leave be given to bring in a Bill to Suspend Evictions in Ireland for a limited period, on payment of six months' rent,"—(*Major Nolan*) 564

Moved, "That the Debate be now adjourned,"—(*Sir H. Drummond Wolff*:)—After short debate, Question put:—The House *divided;* Ayes 26, Noes 148; Majority 122.—(Div. List, No. 250.)

Original Question put, and *agreed to*:—Bill *ordered* (*Major Nolan, Mr. Patrick Martin, Mr. Healy, Mr. Mitchell Henry, Mr. A. M. Sullivan, Dr. Kinnear, Mr. Sexton, Mr. Moore, Mr. Biggar, Mr. Litton*); *presented,* and read the first time [Bill 188.]

ORDERS OF THE DAY—THE NOTICE PAPER—Question, Mr. Healy; Answer, Mr. Speaker 569

Erne Lough and River Bill—

Ordered, That the Select Committee on the Erne Lough and River Bill do consist of Five Members, Three to be nominated by the House, and Two by the Committee of Selection:—Mr. JOHN HOLMS, Mr. GIVAN, and Sir HERVEY BRUCE:—Power to send for persons, papers, and records; Three to be the quorum,—(*Mr. John Holms.*)

WAYS AND MEANS—

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1882, the sum of £1,023,327 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow;* Committee to sit again *To-morrow.*

COMMONS, WEDNESDAY, JUNE 15.

ORDERS OF THE DAY.

Patents for Inventions Bill [Bill 15]—

Moved, "That the Bill be now read a second time,"—(*Mr. Anderson*) .. 570

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months,"—(*Mr. Dillwyn.*)

Question proposed, "That the word 'now' stand part of the Question:" —After debate, Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to*:—Bill read a second time, and *committed* for *Wednesday* 29th June.

Summary Jurisdiction (Ireland) Bill [Bill 33]—

Order read, for resuming Adjourned Debate on Question [6th April], "That the Bill be now read a second time:"—Question again proposed:—Debate *resumed* 613

After short debate, Motion, by leave, *withdrawn*:—Bill *withdrawn.*

Sale of Intoxicating Liquors on Sunday (Wales) Bill [Bill 33]

Order for Committee read 614

Moved, "That it be an Instruction to the Committee, That they have power to extend the provisions of the Bill to Monmouthshire,"—(*Mr. Carbutt.*)

After short debate, Question put, and *negatived.*

Moved, "That Mr. Speaker do now leave the Chair" 617

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Warton,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Question put:—The House *divided;* Ayes 123, Noes 29; Majority 94.—(Div. List, No. 251.)

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*:—Bill *considered* in Committee 620

After short time spent therein, Bill *reported;* as amended, to be considered upon *Friday.*

WAYS AND MEANS—

Resolution [June 14] *reported,* and *agreed to.*

Instruction to the Committee on the Consolidated Fund (No. 3) Bill, That they have power to make provision therein pursuant to the said Resolution.

Court of Bankruptcy (Ireland) (Officers and Clerks) Bill—*Ordered* (*Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*); *presented*, and read the first time [Bill 189] 626

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Moved, "That this House do now adjourn,"—(*Sir H. Drummond Wolff*:) —After short debate, Motion, by leave, *withdrawn*.

ORDERS OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress* 14*th June*] [NINTH NIGHT] .. 655

After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Thames River (No. 2) Bill [Bill 148]—

Order for Second Reading read 748

After short debate, Second Reading *deferred* till *Monday* next.

Blind and Deaf Mute Children Bill [Bill 85]—

Order for Committee read 749

Moved, "That the Order for Committee be discharged,"—(*Mr. Woodall*:) —Motion *agreed to*:—Order *discharged*:—Bill *withdrawn*.

COPYHOLD ENFRANCHISEMENT [STAMP DUTY]—RESOLUTION—

Considered in Committee 749

Resolution *agreed to*; to be reported *To-morrow*, at Two of the clock.

LUNACY LAW AMENDMENT [SALARIES]—

Considered in Committee 750

Resolution *agreed to*; to be reported *To-morrow*, at Two of the clock.

LORDS, FRIDAY, JUNE 17.

LANDLORD AND TENANT (IRELAND)—THE TOWNLAND VALUATIONS ACT, 6 & 7 WILL. IV. c. 81—RESOLUTION—

Moved to resolve, That, in the opinion of this House, in all calculations affecting the interests of landlord and tenant the Townland Valuation 6th and 7th Will. IV. chap. 84. should be adopted as the basis of adjustment,—(*The Lord Waveney*) .. 750

After short debate, Motion (by leave of the House) *withdrawn*.

IRELAND — EJECTMENTS FOR NON-PAYMENT OF RENT — MOTION FOR A RETURN—

Moved for, Return showing the total number of cases of ejectment for non-payment of rent in Ireland since the Land Act, 1870, came into operation, in which claims for disturbance on account of the rent being an exorbitant rent have been made, with the amount claimed in each such case, and the amount (if any) awarded by the court, —(*The Earl of Limerick*) 756

After short debate, Motion *agreed to*:—Return *ordered* to be laid before the House.

COMMONS, FRIDAY, JUNE 17.

QUESTIONS.

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ORDER OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—
Bill *considered* in Committee [*Progress* 16*th June*] [Tenth Night] .. 773
After long time spent therein, it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again upon *Monday* next.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Supply—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—
[House counted out.]

LORDS, MONDAY, JUNE 20.

New Peer—
His Royal Highness Prince Leopold George Duncan Albert, created Baron Arklow, Earl of Clarence, and Duke of Albany 816

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THE AFFAIRS OF GREECE—Question, Lord Stratheden and Campbell; Answer, Earl Granville 817

ARMY DESERTIONS—"WASTE OF THE ARMY"—RESOLUTION—

Moved, "That an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to appoint a Royal Commission to inquire into and report upon the causes of the 'Waste of the Army,' both in regard to the alarming increase of desertion officially reported to have taken place within a few months of the first enlistment of recruits as well as in regard to subsequent 'fraudulent enlistments' during recent years since the introduction of short service and the twin (or linked) battalion system,"—(*The Earl of Galloway*) 817

After debate, Motion (by leave of the House) *withdrawn*.

Tramways (Ireland) Acts Amendment Bill (No. 92)—

Amendments *reported* (according to Order) 832

Amendment made:—Bill to be read 3ª *To-morrow*.

Charitable Trusts Bill (No. 96)—

Amendments *reported* (according to Order) 834

Amendments made:—Bill to be read 3ª on *Tuesday*, the 28*th instant*; and to be *printed* as amended. (No. 120.)

COMMONS, MONDAY, JUNE 20.

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ORDERS OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress* 17*th June*] [ELEVENTH NIGHT] .. 861

After some time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Sale of Intoxicating Liquors on Sunday (Wales) Bill [Bill 3]—

Bill, as amended, *considered* 949

Amendment made:—Bill to be read the third time upon *Wednesday* 6th July.

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Newspapers (Law of Libel) Bill [Bill 5]—
Bill, as amended, *further considered* 953
After short debate, Bill to be read the third time *To-morrow*, at Two of the clock.

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Regulation of the Forces Bill—*Ordered* (*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman*); *presented*, and read the first time [Bill 193] .. 954

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Ordered, That the Lords Message [2nd June] be now considered 954
Ordered, That a Select Committee be appointed of Five Members to join with the Committee of Five Lords (as mentioned in the Message of the Lords of the 2nd day of this instant June), to consider the First Report of the Controller of Her Majesty's Stationery Office.
Ordered, That the Select Committee do consist of the following Members:—Mr. COURTNEY, Mr. CUBITT, Mr. MASSEY, Mr. O'SHAUGHNESSY, and Mr. WINN.

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TUNIS—ADDRESS FOR PAPERS (M. ROUSTAN'S CIRCULAR)—
Moved, "That an humble Address be presented to Her Majesty for copy of M. Roustan's Circular promulgating a decree of His Highness the Bey of Tunis constituting him, as French Minister resident, the sole official intermediary between all foreign representatives and the Government of Tunis; also copy of the instructions issued to the British Political Agent at Tunis on the subject, and for other papers and correspondence relative to the treaty recently concluded between France and Tunis,"—(*The Earl De La Warr*) 962
After short debate, Motion *agreed to.*

LANDLORD AND TENANT (IRELAND)—MOTION FOR A PAPER—
Moved for "Copy of a letter, dated 29th October 1880, and written by the Earl of Limerick to the Secretary to the Landlord and Tenant (Ireland) Acts Inquiry Commission," —(*The Earl of Limerick*) 980
Motion *agreed to*:—Ordered to be laid before the House.

STATIONERY OFFICE (CONTROLLER'S REPORT)—
Message from the Commons that they have appointed a Select Committee of five members to join with the Select Committee appointed by this House "to consider the first Report of the Controller of Her Majesty's Stationery Office."

Stolen Goods Bill [H.L.]—
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PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARREST OF MR. H. O'MAHONY—Question, Mr. Healy; Answer, Mr. W. E. Forster 983
IRELAND—MR. EAGER, GOVERNOR OF LIMERICK GAOL—Questions, Mr. Healy; Answers, Mr. W. E. Forster 984
SOUTH KENSINGTON MUSEUM—THE ZOLLVEREIN COLLECTION OF MINERALS, &c.—Question, Mr. Hicks; Answer, Mr. Mundella 984
ACCOMMODATION FOR REPORTERS—Questions, Mr. O'Shea, Mr. Onslow, Sir Alexander Gordon; Answers, Mr. Shaw Lefevre 985
FRANCE AND TUNIS—PRIVILEGES AND IMMUNITIES OF DIPLOMATIC AGENTS—Questions, Lord Randolph Churchill, Sir H. Drummond Wolff; Answers, Sir Charles W. Dilke 986
ARMY ORGANIZATION—THE REVISED MEMORANDUM—SECONDED OFFICERS—Questions, Mr. Molloy, Sir Alexander Gordon, Lord Elcho; Answers, Mr. Childers 988
EVICTIONS (IRELAND) — MIDDLE MACE, CLAREMORRIS — Question, Mr. O'Connor Power; Answer, Mr. W. E. Forster 989
PARLIAMENT—ORDER OF BUSINESS—THE ARMY ESTIMATES—Statement, Mr. Childers:—Short debate thereon 989

ORDER OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress* 20*th June*] [TWELFTH NIGHT] .. 994

After some time spent therein, it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

[House counted out.]

COMMONS, WEDNESDAY, JUNE 22.

QUESTIONS.

RELIEF OF DISTRESS (IRELAND) ACT, 1880—FISHERY PIERS AND HARBOURS—Question, Mr. Arthur O'Connor; Answer, Lord Frederick Cavendish 1034
PARLIAMENT—PRIVILEGE — THE RIGHT OF PETITION — THE TELEGRAPH CLERKS—Observations, Mr. O'Donnell; Reply, Mr. Speaker .. 1035

ORDERS OF THE DAY.

Capital Punishment (Abolition) Bill [Bill 27]—

Moved, "That the Bill be now read a second time,"—(*Mr. J. W. Pease*) 1037

After long debate, Question put:—The House *divided;* Ayes 79, Noes 175; Majority 96.

Division List, Ayes and Noes 1083

Distress for Rent Bill [Bill 74]—

Order for Second Reading read 1085

Moved, "That the Order be discharged,"—(*Mr. Rendel*:)—After short debate, it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow*.

COURT OF BANKRUPTCY (IRELAND) (OFFICERS AND CLERKS) [SALARIES]—
Considered in Committee 1086
Resolution *agreed to;* to be reported *To-morrow.*

Metallic Mines (Gunpowder) Bill—*Ordered* (*Mr. Joseph Pease, Mr. Macdonald, Mr. Charles Palmer, Mr. Burt*); *presented*, and read the first time [Bill 196] .. 1086

LORDS, THURSDAY, JUNE 23.

Veterinary Surgeons Bill (No. 87)—
House in Committee (according to Order) 1087
Bill *reported* without amendment; amendments made; Bill *re-committed* to a Committee of the Whole House on *Tuesday* next; and to be *printed* as amended. (No. 127.)

Newspapers Bill (No. 101)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Dunraven*) .. 1087
Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

ARMY—THE AUXILIARY FORCES—THE VOLUNTEER REVIEW AT WINDSOR—Question, Viscount Bury; Answer, Earl Granville 1088

CHARITY TRUSTEES INCORPORATION ACT, 1872—MOTION FOR A RETURN—
Moved, For a "Return of all applications which have been made to the Charity Commissioners under the provisions of 35th and 36th Victoria, chap. 24., distinguishing the cases in which a certificate of incorporation has been granted from those in which it has been refused,"—(*The Lord Bishop of Carlisle*) 1088
Motion *agreed to:*—Ordered to be laid before the House.

THE IRISH LAND QUESTION—THE DUKE OF ARGYLL'S MOTION—Postponement of Motion, The Marquess of Lansdowne; Question, The Marquess of Salisbury; Answer, The Marquess of Lansdowne .. 1089

Universities (Scotland) Registration of Parliamentary Voters, &c. Bill [H.L.]—*Presented* (*The Lord Watson*); read 1ª (No. 130) 1090

COMMONS, THURSDAY, JUNE 23.

QUESTIONS.

FISH SUPPLY (METROPOLIS)—Questions, Mr. Firth; Answers, Sir William Harcourt 1090
HIGH COURT OF JUSTICE—CHANCERY DIVISION—DORMANT CAUSES—MONEY PAID INTO COURT—Question, Mr. S. Leighton; Answer, Lord Frederick Cavendish 1091
ARMY ORGANIZATION—THE ARMY (INDIA)—Questions, Mr. Onslow; Answers, The Marquess of Hartington 1092
ARMY—RIFLE RANGES—Questions, Mr. Healy; Answers, Mr. Childers .. 1093
COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS)—Question, Mr. W. Holms; Answer, Sir Charles W. Dilke 1093
AGRICULTURAL STATISTICS—THE COLONIAL DEPENDENCIES—Question, Mr. R. H. Paget; Answer, Mr. Grant Duff 1094
WESTERN PACIFIC—SOLOMON ISLANDS—PUNISHMENT OF NATIVES—Question, Mr. R. N. Fowler; Answer, Mr. Grant Duff 1095
ARMY ORGANIZATION—REGIMENTAL PRECEDENCE—Question, Mr. O'Shea; Answer, Mr. Childers 1095

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Western Pacific—Kidnapping Natives—Question, Mr. A. Pease; Answer, Mr. Grant Duff 1096
Foreign Jews in Russia—Expulsion of Mr. L. Lewisohn, a Naturalized British Subject—Questions, Baron Henry De Worms; Answers, Sir Charles W. Dilke 1096
Poor Law Medical Officers—Mr. Hele—Question, Mr. Firth; Answer, Mr. Dodson 1099
Public Health (Metropolis)—Covered Dust Carts—Question, Viscount Newport; Answer, Mr. Dodson 1099
Army Organization—Promotion and Retirement—Question, Sir Henry Fletcher; Answer, Mr. Childers 1100
Army—Case of Stephen Whelan, an Insane Soldier—Question, Mr. W. J. Corbet; Answer, Mr. Childers 1100
The Commissioners of Irish Lights—Question, Mr. Callan; Answer, Mr. Chamberlain 1101
Post Office—The Metropolitan Letter-Carriers—Questions, Mr. Schreiber; Answers, Mr. Fawcett 1101
Protection of Person and Property (Ireland) Act, 1881—Irish Militiamen—Question, Mr. Healy; Answer, Mr. Childers .. 1102
Trade and Commerce—Untaxed Imports—Letter of Sir Louis Mallet—Question, Mr. Mac Iver; Answer, Mr. Chamberlain 1102
Army Organization—Pensions of Lieutenant Colonels—Question, Sir Patrick O'Brien; Answer, Mr. Childers 1103
Merchant Shipping Acts—Emigrant Ships—Questions, Mr. A. Moore, Mr. T. P. O'Connor; Answers, Mr. Chamberlain 1103
Parliament—The Assistant Serjeant-at-Arms—Question, Mr. Onslow; Answer, Lord Frederick Cavendish 1104
Peace Preservation (Ireland) Act, 1881—Refusal of an Arms Licence—Questions, Mr. Parnell; Answers, Mr. W. E. Forster .. 1104
Army Discipline and Regulation Act, 1879—Enlistment of Boys—Questions, Mr. Greer; Answers, Mr. Childers 1105
Prisons (India)—Question, Mr. O'Donnell; Answer, The Marquess of Hartington 1106
Scotland (Movement of Animals) Order—Importation of Cattle into Scotland—Question, Mr. Dalrymple; Answer, Mr. Mundella .. 1108
Army Organization—Officers and Men—Questions, Mr. H. H. Fowler, Mr. Arthur O'Connor; Answers, Mr. Childers 1109
Dominion of Canada—Railways—British Columbia—Question, Lord George Hamilton; Answer, Mr. Grant Duff 1110
Army (India)—Officers of the Local Service—Question, Colonel Barne; Answer, The Marquess of Hartington 1110
Parliament—Rules and Orders—Petitions—The Bradlaugh Petitions—Explanation, Baron Henry De Worms; Question, Mr. Labouchere; Answer, Sir Charles Forster; Questions, Mr. Onslow, Sir Stafford Northcote; Answers, Mr. Speaker, Sir Charles Forster 1111
Army Organization—The City of London Regiment—Regimental Titles—Questions, Sir Edmund Lechmere, Mr. Warton; Answers, Mr. Childers 1114
The Western Pacific—Powers of High Commissioner—Question, Sir Michael Hicks-Beach; Answer, Mr. Grant Duff 1115
Army Organization—The Army (India)—Compulsory Retirement of Officers—Question, Sir Alexander Gordon; Answer, The Marquess of Hartington 1116
Parliament—Business of the House—Land Law (Ireland) Bill—Questions, Mr. H. H. Fowler, Mr. Healy; Answers, Mr. Gladstone .. 1116
France and Tunis—Privileges and Immunities of Diplomatic Agents—Question, Sir H. Drummond Wolff; Answer, Sir Charles W. Dilke .. 1117
Relief of Distress (Ireland) Act, 1880—Fishery Piers and Harbours—Question, Mr. Arthur O'Connor; Answer, Mr. W. E. Forster .. 1118

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ARMY—THE CURRAGH CAMP—Question, Mr. Arthur O'Connor; Answer, Mr. Childers 1118

MINISTER OF AGRICULTURE AND COMMERCE—Question, Mr. R. H. Paget; Answer, Mr. Gladstone 1119

PARLIAMENT—BUSINESS OF THE HOUSE—THE TRANSVAAL DEBATE—Question, Sir Michael Hicks-Beach; Answer, Mr. Gladstone; Observations, Sir Stafford Northcote, Sir Michael Hicks-Beach; Reply, Mr. Gladstone 1120

LAND LAW (IRELAND) BILL, CLAUSE 5—£100 TENANCIES—Question, Sir Matthew White Ridley; Answer, Lord Edmond Fitzmaurice .. 1122

ARMY—THE AUXILIARY FORCES—VOLUNTEER REVIEW AT WINDSOR—Question, Mr. Schreiber; Answer, Mr. Childers 1122

INDIA—COMMISSION OF INQUIRY—Question, Sir David Wedderburn; Answer, The Marquess of Hartington 1122

LAND LAW (IRELAND) BILL—COPY OF THE BILL AS AMENDED—Question, Mr. Callan; Answer, Mr. Gladstone 1123

ORDERS OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress 21st June*] [THIRTEENTH NIGHT] .. 1123

After long time spent therein, Committee report Progress; to sit again upon *Monday* next.

Coroners (Ireland) (*re-committed*) **Bill** [Bill 187]—

Bill *considered* in Committee 1213

After short time spent therein, Bill *reported;* as amended, to be considered *To-morrow.*

Moved, "That this House do now adjourn,"—(*Lord Richard Grosvenor:*)—After short debate, Motion *agreed to.*

Canal Boats Act (1877) Amendment Bill—*Ordered* (*Mr. Broadhurst, Mr. John Corbett, Mr. Morley, Mr. Pell*); *presented,* and read the first time [Bill 197] .. 1216

Relief of Distress (Ireland) Act Amendment Bill—*Ordered* (*Major Nolan, Mr. O'Shea, Mr. James Corry, Mr. Justin M'Carthy, Mr. Litton, Colonel Colthurst, Mr. O'Sullivan, Mr. Givan*); *presented,* and read the first time [Bill 198].. .. 1217

LORDS, FRIDAY, JUNE 24.

The House met at Five o'clock;—And having gone through the Business on the Paper, without debate— [House adjourned.]

COMMONS, FRIDAY, JUNE 24.

QUESTIONS.

ARMY (AUXILIARY FORCES)—MILITIA SURGEONS—Question, Dr. Farquharson; Answer, Mr. Childers 1217

FRANCE AND CANADA—COMMERCIAL TREATY—Question, Mr. Ecroyd; Answer, Sir Charles W. Dilke 1218

SHERIFFS' SALES (IRELAND)—Questions, Mr. Healy, Mr. Biggar, Mr. Redmond; Answers, Mr. W. E. Forster 1218

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. HANNIGAN—Question, Mr. O'Sullivan; Answer, Mr. W. E. Forster .. 1221

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ARMY—POLITICAL MEETINGS—COLONEL THE HON. T. G. CHOLMONDELEY—Question, Mr. Labouchere; Answer, Mr. Childers 1221
NAVY (CONSTRUCTION)—FIGHTING SHIPS—Questions, Mr. W. H. James, Sir Wilfrid Lawson, Mr. Gorst; Answers, Mr. Trevelyan 1222
TRADE AND COMMERCE—THE FRENCH PATENT LAWS—Question, Sir Henry Holland; Answer, Sir Charles W. Dilke 1224
PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—THE REV. FATHER SHEEHY—Question, Mr. Givan; Answer, Mr. W. E. Forster 1224
PARLIAMENT—BUSINESS OF THE HOUSE—PARLIAMENTARY OATHS BILL—Questions, Sir Eardley Wilmot, Sir H. Drummond Wolff; Answers, Mr. Childers 1224
EVICTIONS (IRELAND)—AUGHRAN, CARRIGALLEN, CO. LEITRIM—Question, Mr. Biggar; Answer, Mr. W. E. Forster 1225
PIERS AND HARBOURS (IRELAND) — Question, Mr. Arthur O'Connor; Answer, Lord Frederick Cavendish 1225
ARMY ORGANIZATION—THE REVISED MEMORANDUM—PARAGRAPHS 11, 12 AND 14—Questions, Mr. Greer; Answers, Mr. Childers .. 1226
ARMY ORGANIZATION—ADJUTANTS OF THE AUXILIARY FORCES—Question, Colonel Stanley; Answer, Mr. Childers 1226
PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRESCRIPTION OF THE CITY OF WATERFORD—Questions, Mr. R. Power, Mr. Leamy; Answers, Mr. W. E. Forster 1227

ORDER OF THE DAY.

SUPPLY—Order for Committee read:—

ARMY ORGANIZATION — RETIREMENT OF OFFICERS — Observations, Mr. Childers 1228

Moved, "That Mr. Speaker do now leave the Chair,"—(*Mr. Childers.*)

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is not desirable to carry into effect that part of the new Army scheme, recently laid upon the Table, which authorises the compulsory retirement of efficient officers under 70 years of age, but that increased inducements to voluntary retirement should be substituted therefor, according to the original plan laid down by Lord Cardwell, and sanctioned by Parliament in 1871,"—(*Sir Alexander Gordon,*)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment and Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn*:—Committee to sit again *this day.*

And it being ten minutes before Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

THE ANGLO-TURKISH CONVENTION—MOTION FOR AN ADDRESS—

Amendment proposed,

> To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there shall be laid before this House, Copies

SUPPLY—Order for Committee read—*continued.*

of all Despatches and Papers on the subject of the Anglo-Turkish Convention which have passed between Her Majesty's Government, or Her Majesty's Ambassador at Constantinople, and the Turkish Government, and which have not already been laid before Parliament,"—(*Mr. Rylands,*)—instead thereof 1273

Question proposed, "That the words proposed to be left out stand part of the Question:"—After long debate, [House counted out]

LORDS, MONDAY, JUNE 27.

Ballyclare, Ligoniel, and Belfast Junction Railway Bill [H.L.]—

Moved, "That the Bill be now read 3ª" 1338

Amendment *moved,* to leave out ("now") and add at the end of the motion ("this day three months,"—(*The Viscount Templetown.*)

After short debate, on question, that ("now") stand part of the motion, *resolved* in the *affirmative;* Bill read 3ª accordingly, and *passed,* and sent to the Commons.

ARMY—BRITISH CEMETERIES IN THE CRIMEA—Question, Observations, The Marquess of Hertford; Reply, The Earl of Morley; Observations, The Duke of Cambridge 1343

Summary Procedure (Scotland) Amendment Bill (No. 99)—

Moved, "That the Bill be now read 2ª,"—(*The Earl of Dalhousie*) .. 1347

Motion *agreed to:* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

COMMONS, MONDAY, JUNE 27.

QUESTIONS.

CENTRAL ASIA—ADVANCE OF RUSSIA—Questions, Viscount Sandon; Answers, Sir Charles W. Dilke 1348

TRADE AND COMMERCE—THE FRENCH DUTY ON RICE—Question, Mr. Carbutt; Answer, Mr. Chamberlain 1349

MERCHANT SHIPPING ACT—CREW OF THE "FORT GEORGE"—Question, Dr. Cameron; Answer, Mr. Chamberlain 1350

ENDOWED SCHOOLS—FREE SCHOOLS AT BRIDLINGTON—Question, Mr. Sykes; Answer, The Attorney General 1351

CHINA—COMMERCIAL TREATIES—Question, Mr. J. W. Pease; Answer, Sir Charles W. Dilke 1351

FISHERY PIERS AND HARBOURS (IRELAND)—PIER OR BOAT-SLIP ON THE MIDDLE ISLAND OF ARRAN, CO. GALWAY—Question, Major Nolan; Answer, Mr. W. E. Forster 1352

ARMY ORGANIZATION—THE MEMORANDUM—PURCHASE CAPTAINS—Question, Mr. O'Shaughnessy; Answer, Mr. Childers 1352

AFGHANISTAN—SUBSIDIES TO THE AMEER—Questions, Viscount Sandon, Mr. Macfarlane; Answers, The Marquess of Hartington 1353

CENTRAL AMERICA—THE INTER-OCEANIC CANAL—Question, Mr. W. Holms; Answer, Sir Charles W. Dilke 1353

RELIEF OF DISTRESS (IRELAND) ACT, 1881—RELIEF WORKS—Question, Colonel Colthurst; Answer, Mr. W. E. Forster 1354

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JAMES TUITE, A PRISONER UNDER THE ACT—Questions, Mr. T. D. Sullivan, Mr. Healy, Mr. O'Kelly; Answers, Mr. W. E. Forster; Question, Mr. O'Donnell [No reply] 1354

ARMY—MILITARY STAFF CLERKS—Question, Sir H. Drummond Wolff; Answer, Mr. Childers 1355

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PRISONS (INDIA)—FLOGGING—Question, Mr. T. C. Thompson; Answer, The Marquess of Hartington 1356
HIGH COURT OF JUSTICE (CHANCERY DIVISION)—DORMANT CAUSES—MONEY PAID INTO COURT—Question, Mr. S. Leighton; Answer, Lord Frederick Cavendish 1356
BRITISH BURMAH—THE OPIUM TRAFFIC—Questions, Sir Wilfrid Lawson, Mr. O'Donnell; Answers, The Marquess of Hartington .. 1357
POST OFFICE (TELEGRAPH DEPARTMENT)—HIGHLAND COUNTIES OF SCOTLAND —Question, Lord Colin Campbell; Answer, Mr. Fawcett .. 1358
CORRUPT PRACTICES AT ELECTIONS—REPORTED MAGISTRATES—Questions, Mr. Caine, Sir R. Assheton Cross; Answers, The Attorney General .. 1359
NAVY—ASSISTANT PAYMASTERS—Question, Mr. Biggar; Answer, Mr. Trevelyan 1359
POST OFFICE—TELEGRAPH FORMS AND POSTCARDS—Question, Mr. Jackson; Answer, Mr. Fawcett 1360
POST OFFICE (TELEGRAPH DEPARTMENT)—TELEGRAPH CLERKS—Questions, Mr. O'Donnell; Answers, Lord Frederick Cavendish 1361
STATE OF IRELAND—ATTACK ON AN ORDNANCE SURVEY OFFICER—Question, Mr. Tottenham; Answer, Mr. W. E. Forster 1363
STATE OF IRELAND—CURRAGH CAMP—Questions, Mr. Arthur O'Connor, Mr. Tottenham; Answers, Mr. Childers 1364
STATE OF IRELAND—AFFRAY AT BODEKER, CO. CLARE—Question, Mr. Finigan; Answer, Mr. W. E. Forster 1365
PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PROCLAMATION OF WATERFORD—Questions, Mr. R. Power, Mr. Leamy, Mr. O'Donnell; Answers, Mr. W. E. Forster.. 1366
Moved, "That this House do now adjourn,"—(*Mr. O'Donnell:*)—After short debate, Question put:—The House *divided;* Ayes 28, Noes 305; Majority 277.—(Div. List, No. 267.)
FRANCE AND TUNIS—RIGHTS OF BRITISH SUBJECTS—Questions, Mr. T. Bruce, Lord Randolph Churchill; Answers, Sir Charles W. Dilke .. 1375
POST OFFICE (IRELAND)—CRAUGHWELL TELEGRAPH OFFICE—Question, Mr. Healy; Answer, Mr. Fawcett 1376
FISH SUPPLY (METROPOLIS)—Question, Mr. Firth; Answer, Sir James M'Garel-Hogg 1377
RELIEF OF DISTRESS (IRELAND) ACT, 1881—PIERS AND HARBOURS (IRELAND) —Question, Mr. Arthur O'Connor; Answer, Lord Frederick Cavendish 1377
STATE OF IRELAND—ATTACK UPON THE POLICE AT CORK—Questions, Mr. Daly, Mr. O'Kelly; Answers, Mr. W. E. Forster 1378
ARMY ORGANIZATION — THE NEW REGULATIONS — QUARTERMASTER AND COLOUR SERGEANTS — Questions, Lieutenant-Colonel Milne-Home, Colonel Alexander; Answers, Mr. Childers 1379
PARLIAMENT—PUBLIC BUSINESS—Observations, Mr. Gladstone, Sir Stafford Northcote 1379

ORDERS OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—
Bill *considered* in Committee [*Progress 23rd June*] [FOURTEENTH NIGHT].. 1380
After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Coroners (Ireland) Bill [Bill 187]—
Bill, as amended, *considered* 1459
Amendments made; Bill read the third time, and *passed*.

LORDS, TUESDAY, JUNE 28.

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Veterinary Surgeons Bill (No. 137)—
House in Committee (on Re-commitment) (according to order) .. 1459
Amendments made; the Report thereof to be received on *Tuesday* next, and Bill to be *printed*, as amended. (No. 137.)

Wild Birds Protection Act, 1880, Amendment Bill (No. 118)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Dalhousie*) .. 1463
Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

Summary Jurisdiction (Process) Bill (No. 124)—
Moved, "That the Bill be now read 2ª,"—(*The Earl of Dalhousie*) .. 1463
Motion *agreed to*:—Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

ARMY ORGANIZATION—TERRITORIAL REGIMENTS—THE BUFFS-EAST KENT REGIMENT—Question, Observations, Lord Dorchester; Reply, The Earl of Morley:—Short debate thereon 1464

ARMY ORGANIZATION—THE REVISED MEMORANDUM—GENERAL OFFICERS—THE FIVE YEARS' RULE—Question, Observations, Viscount Bury; Reply, The Earl of Morley:—Short debate thereon 1470

Incumbents of Benefices Loans Extension Bill [H.L.]—*Presented* (*The Lord Archbishop of Canterbury*); read 1ª (No. 136) 1480

COMMONS, TUESDAY, JUNE 28.

QUESTIONS.

PUBLIC HEALTH—VACCINATION—DEATH AT PLYMOUTH—Question, Mr. P. A. Taylor; Answer, Mr. Dodson 1480

THE COMMERCIAL TREATY WITH ITALY—Question, Mr. J. Cowen; Answer, Sir Charles W. Dilke 1481

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. HODNETT, A PRISONER UNDER THE ACT—Questions, Mr. Healy; Answers, Mr. W. E. Forster 1481

BOARD OF THE LUNATIC ASYLUM, LIMERICK—Questions, Mr. O'Shaughnessy; Answers, Mr. W. E. Forster 1482

COMMERCIAL RELATIONS WITH FRANCE—THE NEW FRENCH GENERAL TARIFF—Question, Viscount Sandon; Answer, Mr. Chamberlain .. 1483

INQUESTS (IRELAND)—CASE OF MR. T. COOKE—Question, Mr. W. J. Corbet; Answer, The Attorney General for Ireland 1485

TUNIS—THE ENFIDA CASE—Questions, The Earl of Bective, Lord Randolph Churchill; Answers, Sir Charles W. Dilke 1486

ARMY ORGANIZATION—LIEUTENANT ADJUTANTS—Question, Mr. Daly; Answer, Mr. Childers 1486

THE PROPOSED INDIAN LOAN—Question, Mr. J. K. Cross; Answer, The Marquess of Hartington 1487

PALACE OF WESTMINSTER—LIGHTING OF THIS HOUSE—Question, Mr. O'Shea; Answer, Mr. Shaw Lefevre 1488

ARMY ORGANIZATION—MACLEOD'S HIGHLANDERS—Question, Colonel Alexander; Answer, Mr. Childers 1488

INDIA—THE GOVERNORSHIP OF MADRAS—Questions, Mr. Arthur Arnold, General Sir George Balfour; Answers, Mr. Speaker, The Marquess of Hartington 1488

MOTION.

PARLIAMENT—BUSINESS OF THE HOUSE—LAND LAW (IRELAND) BILL—RESOLUTION—

Moved, "That, on and after Wednesday next, the several stages of the Land Law (Ireland) Bill have precedence of all Orders of the Day and Notices of Motions, on all days when it is set down among the Orders, until the House shall otherwise determine,"—(*Mr. Gladstone*) 1490

Amendment proposed, to leave out the words "when it is set down among the Orders,"—(*Mr. Chaplin.*)

Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Question put, and *agreed to.*

Main Question put, and *agreed to.*

ORDER OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress* 27*th June*] [FIFTEENTH NIGHT] .. 1516

After some time spent therein, Committee report Progress; to sit again *To-morrow.*

And it being ten minutes before Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

[House counted out.]

COMMONS, WEDNESDAY, JUNE 29.

QUESTION.

PARLIAMENT—BUSINESS OF THE HOUSE—MORNING SITTINGS—Question, Mr. Biggar; Answer, Sir William Harcourt 1545

ORDER OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—

Bill *considered* in Committee [*Progress* 28*th June*] [SIXTEENTH NIGHT] .. 1546

After long time spent therein, it being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *To-morrow.*

LORDS, THURSDAY, JUNE 30.

IRELAND—THE UNITED STATES—SECRET MISSION TO IRELAND—Question, Lord Emly; Answer, Earl Granville 1604

TURKEY AND GREECE—THE BOUNDARY QUESTION—Question, The Earl of Rosebery; Answer, Earl Granville 1604

Charitable Trusts Bill (No. 120)—

Moved, "That the Bill be now read 3ª,"—(*The Lord Chancellor*) .. 1604

Amendment *moved*, to leave out ("now") and add at the end of the motion ("this day three months,")—(*The Lord Denman.*)

On question, that ("now") stand part of the motion? *resolved* in the *affirmative:* Bill read 3ª accordingly; amendments made; Bill *passed*, and sent to the Commons.

MAINTENANCE OF ROADS IN FOREIGN COUNTRIES — Question, Viscount Sidmouth; Answer, Earl Granville 1605

GREEK FRONTIER—ADDRESS FOR A PAPER—

Moved, That an humble Address be presented to Her Majesty for any protocol or treaty which forms the basis of the European concert alluded to in several despatches,—(*The Lord Stratheden and Campbell*) 1606

After debate, Motion (by leave of the House) *withdrawn.*

ARMY—DESERTIONS—Observations, Lord Strathnairn; Reply, The Earl of Morley 1635

Petroleum (Hawking) Bill [H.L.]—*Presented* (*The Earl of Dalhousie*); read 1ª (No. 139) 1637

COMMONS, THURSDAY, JUNE 30.

QUESTIONS.

CUSTOMS—THE PORT OF EXETER—Question, Mr. Northcote; Answer, Lord Frederick Cavendish 1638
ARMY—THE AUXILIARY FORCES—THE VOLUNTEER REVIEW AT WINDSOR—Question, Mr. Schreiber; Answer, Mr. Childers 1639
SOLWAY FISHERIES ACT—LEGISLATION—Question, Mr. Ernest Noel; Answer, Sir William Harcourt 1639
FRANCE AND TUNIS — INTERESTS OF BRITISH SUBJECTS AND OTHERS—Question, Sir H. Drummond Wolff; Answer, Sir Charles W. Dilke .. 1640
SPAIN AND ENGLAND — GIBRALTAR—THE NEUTRAL GROUND AND MARITIME JURISDICTION—Question, Mr. Dodds; Answer, Sir Charles W. Dilke .. 1640
THE DIPLOMATIC SERVICE—RETIREMENTS—Question, Mr. Macdonald; Answer, Sir Charles W. Dilke 1641
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After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Metropolitan Open Spaces Act (1877) Amendment Bill—
Bill *considered* in Committee 1747
After short time spent therein, Bill *reported;* as amended, to be considered upon *Monday* next, and to be *printed.* [Bill 202.]

Married Women's Property (Scotland) Bill [Bill 199]—
Lords Amendments *considered* 1751
After short debate, Lords Amendments *agreed to.*

MOTION.

Entailed Estates Conversion (Scotland) Bill—
Motion for Leave (*The Lord Advocate*) 1752
Motion *agreed to:*—Bill to authorise the conversion of Entailed Estates, and to amend the Law of Entail in Scotland, *ordered* (*The Lord Advocate, Secretary Sir William Harcourt*); *presented,* and read the first time [Bill 203.]

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Land Law (Ireland) Bill [Bill 135]—
Bill *considered* in Committee [*Progress* 30*th June*] [EIGHTEENTH NIGHT] .. 1835

After long time spent therein, it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again *this day*.

The Committee resumed its Sitting at Nine of the clock.

Progress *resumed*.
After long time spent therein, Committee report Progress; to sit again upon *Monday* next.

FUGITIVE OFFENDERS [EXPENSES]—
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Resolution *agreed to;* to be reported upon *Monday* next.

MOTION.

Metropolitan Board of Works (Money) Bill—
Motion for Leave (*Lord Frederick Cavendish*) 1913
After short debate, Motion *agreed to*:—Bill further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto, *Ordered* (*Lord Frederick Cavendish, Mr. John Holms*); *presented*, and read the first time. [Bill 204.]

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UNITED STATES—ATTEMPTED ASSASSINATION OF THE PRESIDENT—Question, The Marquess of Salisbury; Answer, Earl Granville 1914
TURKEY—THE LATE SULTAN, ABDUL AZIZ—MIDHAT PASHA—Question, Observations, Earl De La Warr; Reply, Earl Granville 1914

London and South-Western Railway Bill—
Moved, "That the Order of the 1st day of April last, which limits the time for the Second Reading of any Private Bill brought from the House of Commons, be dispensed with in respect of the said Bill, and that the Bill be read 2^a,"—(*The Earl of Redesdale*) 1915
After short debate, Motion *agreed to*:—Bill read 2^a accordingly, and *committed*: The Committee to be proposed by the Committee of Selection.

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ORDERS OF THE DAY.

Land Law (Ireland) Bill [Bill 135]—
Bill *considered* in Committee [*Progress* 1*st July*] [NINETEENTH NIGHT] .. 1971
After long time spent therein, Committee report Progress; to sit again *To-morrow*, at Two of the clock.

Bankruptcy Bill [Bill 187]—
Moved, "That the Second Reading be deferred to Monday next,"—(*Lord Richard Grosvenor*) 2054
After short debate, Motion *agreed to*:—Second Reading *deferred* till *Monday* next.

LORDS.

NEW PEER.

Monday, June 20.

His Royal Highness Prince Leopold George Duncan Albert, created Baron Arklow, Earl of Clarence, and Duke of Albany.

SAT FIRST.

Tuesday, June 21.

The Lord Tenterden, after the death of his uncle.

Monday, June 13.

Representative Peer for Ireland (*Writs and Returns*)

The Earl of Bandon, *v.* Lord Dunboyne, deceased.

COMMONS.

NEW WRIT ISSUED.

Monday, July 4.

For the *District of Elgin, v.* the Right Hon. Mountstuart Elphinstone Grant Duff, Governor of the Presidency of Fort St. George at Madras, in the East Indies.

HANSARD'S

PARLIAMENTARY DEBATES

IN THE

SECOND SESSION OF THE *TWENTY-SECOND PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 29 APRIL, 1880, IN THE FORTY-THIRD
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF SESSION 1881.

HOUSE OF LORDS,

Friday, 3rd June, 1881.

MINUTES.]—PUBLIC BILLS—*Third Reading*—Local Government Provisional Orders (Berwick-upon-Tweed, &c.) * (85), and *passed.*

Royal Assent—Customs and Inland Revenue [44 *Vict.* c. 12]; Sea Fisheries (Clam and Bait Beds) [44 *Vict.* c. 11]; Inland Revenue Buildings [44 *Vict.* c. 10]; Municipal Franchise (Scotland) [44 *Vict.* c. 13]; Bridges (South Wales) [44 *Vict.* c. 14]; Local Government Provisional Orders (Bath, &c.) [44 *Vict.* c. xv]; Local Government (Highways Provisional Order (York) [44 *Vict.* c. xvi]; Local Government Provisional Orders (Poor Law) [44 *Vict.* c. xvii]; Metropolitan Commons Supplemental [44 *Vict.* c. xviii]; Commons Regulation Provisional Order (Langbar Moor) [44 *Vict.* c. xix]; Commons Regulation Provisional Order (Beamsley Moor) [44 *Vict.* c. xx]; Inclosure Provisional Orders (Scotton and Ferry Common) [44 *Vict.* c. xxi]; Inclosure Provisional Order (Wibsey Slack and Low Moor Commons) [44 *Vict.* c. xxii].

The House met at Two o'clock;—And having gone through the Business on the Paper, without debate—

House adjourned at half past Two o'clock, to Monday the 13th instant, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 3rd June, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Commons Regulation (Shenfield) Provisional Order * [183].

Second Reading—Post Office (Land) * [150].

Committee—Land Law (Ireland) [135]—R.P.

Report—Local Government Provisional Orders (Cottingham, &c.) * [162]; Local Government (Ireland) Provisional Orders (Ballymena, &c.) * [173]; Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.) * [160].

Considered as amended—Petty Sessions Clerks (Ireland) * [41].

Withdrawn—Church Boards * [14].

The House met at Two of the clock.

PRIVATE BILLS.

Ordered, That Standing Orders 129 and 39 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, and for depositing duplicates of any Documents relating to any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Thursday the 9th instant.—(*The Chairman of Ways and Means.*)

QUESTIONS.

STATE OF IRELAND—PROCLAMATION OF BARONIES IN THE KING'S COUNTY.

Sir PATRICK O'BRIEN asked the Attorney General for Ireland, Why the baronies of Warrenstown and Cooleston, in the King's County, have been proclaimed under the Coercion Act, there appearing to have been no outrages reported as having been committed in those baronies?

The ATTORNEY GENERAL for IRELAND (Mr. Law): Sir, the only answer I feel myself at liberty to give to the Question of the hon. Baronet is that the Executive proclaimed these baronies because, having regard to the state of that part of the county, they felt it their duty to do so.

Mr. PARNELL said, the Attorney General for Ireland must know that he was giving an evasive answer to the Question of the hon. Baronet, who asked why those baronies had been proclaimed. Far better would it be if the Government, once for all, would let the Irish Members know they were to get no information in answer to any of these Questions. [*Cries of* "Order, order!"]

Mr. SPEAKER: The hon. Member can ask a Question, but not make a speech.

Mr. PARNELL: Very well, Sir. Then I shall ask the Attorney General for Ireland whether it would not be more dignified for him to state, with respect to this Question, that the Government intended to give no information whatever as to the manner in which the law is being carried out in Ireland?

The ATTORNEY GENERAL for IRELAND (Mr. Law): I deny having given an evasive answer. I have given all the information it is in my power to give with propriety, and this I am glad to do on all occasions.

BRIDGES (IRELAND)—THE RIVER MOY, COUNTY MAYO.

Mr. O'CONNOR POWER asked the Attorney General for Ireland, Whether the Board of Works are now prepared to order the construction of the bridge across the River Moy, near Swineford, for which a sum of £4,000 has been passed by the presentment sessions and the grand jury of Mayo?

The ATTORNEY GENERAL for IRELAND (Mr. Law): Sir, I have communicated with the Board of Works in Ireland with reference to this Question, and they state that they have no information in regard to the bridge referred to. This bridge, I am informed, having been presented for at Presentment Sessions and by the Grand Jury of the county of Mayo, will be an ordinary county work, to be carried out under the county surveyor in the usual manner.

POOR LAW—BOARD OF GUARDIANS—SWINEFORD UNION.

Mr. O'CONNOR POWER asked the Attorney General for Ireland, At what period it is proposed to remove the vice-guardians of the Swineford Union, and restore the functions of the elected guardians in charge of that Union?

The ATTORNEY GENERAL for IRELAND (Mr. Law): Sir, I am informed by the Local Government Board that they do not propose to order the re-election of the Board of Guardians of Swineford Union until the month of March next.

LAW AND JUSTICE—THE ASSIZES.

Mr. HICKS asked the Secretary of State for the Home Department, Whether he has as yet, and, if not, then when he is likely to come to a decision as to the best mode of diminishing the waste of judicial power, and the great inconvenience caused to jurors and others by the present system of holding four assizes?

Sir WILLIAM HARCOURT, in reply, said, that he had consulted with the Judges on the subject, and hoped shortly to introduce a short Bill by which the end desired by the hon. Member might be accomplished.

ARMY ORGANIZATION—MILITIA AND ARMY BATTALIONS—ASSIMILATION OF UNIFORMS.

Sir ALEXANDER GORDON asked the Secretary of State for War, Whether he will give to battalions of infantry Militia, about to be assimilated to battalions of the regular army, as regards lace and frogs, the same increase of three mounted officers as he is about to give to battalions of the regular Army (making them five instead of two for a Line battalion at home of only 480 rank and file) in order to place the Militia on an equal footing, as regards drill and field exercise, with the Line battalions of the territorial regiment to which they belong; and, whether such officers will receive the increased pay and allowances to which mounted officers are entitled?

MR. CAMPBELL-BANNERMAN: Sir, on behalf of my right hon. Friend, I have to say that there is no intention to increase the numbers of mounted officers in the Militia.

AGRICULTURAL STATISTICS (ENGLAND AND WALES)—LAND THROWN OUT OF CULTIVATION.

MR. HICKS asked the President of the Local Government Board, Whether he can, before the end of the Session, lay upon the Table of the House a statement of the number of acres which have been thrown out of cultivation in each of the several counties of England and Wales?

MR. DODSON, in reply, said, that he had no information on the subject. He would suggest to the hon. Member that he should give Notice of his Question to the President of the Board of Trade, to whose Department the collection of agricultural statistics was assigned.

MR. CHAMBERLAIN said, that some time ago, in answer to the hon. Member for Forfarshire (Mr. J. W. Barclay), he had promised to furnish some Returns on the subject; but he was not sure whether the Returns then asked for were the same as those which were desired by the hon. Member. He would be prepared to answer if the hon. Member would renew his Question after Whitsuntide.

STATE OF IRELAND—REPORTED INFLICTION OF PENALTIES FOR REFUSING TO SUPPLY THE CONSTABULARY WITH CARS.

MR. REDMOND asked Mr. Attorney General for Ireland, If his attention has been called to the following paragraph, which appeared in the "Standard" of 2nd June:—

> "The Sub-inspector of Police for the district called at the various posting establishments in Kilkenny yesterday, and exhibited a warrant signed by the Lord Lieutenant, warning car-owners and drivers that, in the event of their refusing to supply cars to the Constabulary or Military in future, the former shall be fined £20 and the latter imprisoned for a certain period;"

and, whether these statements are authentic; and, if so, what Act empowers the Lord Lieutenant to issue such a warrant and to inflict such penalties?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in reply, said, he must ask the hon. Gentleman to postpone his Question. He had telegraphed to Dublin, asking if there was any foundation for the statement, but had not as yet received an answer. He did not believe it was quite correct. That was all he could say at present.

MR. REDMOND inquired, whether the right hon. and learned Gentleman knew of any statutes under which punishments of this kind could be inflicted?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Yes, Sir.

MR. PARNELL: Have the police power to seize horses and cars without the consent of the owners; and are not the latter justified in using such force as may be necessary to resist the seizure?

MR. FINIGAN reminded the right hon. and learned Gentleman that similar conduct on the part of the Government had been pursued in Ireland in 1867, but that there was no legal authority for their doing so.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he hoped the hon. Member did not think him wanting in courtesy if he declined at present to answer these Questions; but he might say there were enactments under which carriages could be seized.

RAILWAY STRUCTURES — WIND PRESSURE.

SIR ROBERT LOYD LINDSAY asked the President of the Board of Trade, Whether the Committee, which he stated in the House of Commons in July 1880 was appointed to consider what rules it might be desirable to make with regard to wind pressure upon Railway structures, has yet made a report; and, if so, whether he will be prepared to lay it upon the Table of the House?

MR. CHAMBERLAIN, in reply, said, that the Report would be made shortly after the Whitsuntide Recess, when he would consider it carefully, and see whether it was desirable to lay it upon the Table.

LAW AND POLICE—THE POLICE AT RAILWAY STATIONS ON DERBY DAY.

Mr. HEALY asked the Secretary of State for the Home Department, Whether Metropolitan Policemen are employed at certain Railway Stations on the Derby Day; whether these men are withdrawn for that purpose from their ordinary duties in preservation of the peace of London; whether the regular force on street duty is thereby lessened; and, whether the policemen employed at Railway Stations on Derby Day are paid by the Railway Company?

Sir WILLIAM HARCOURT, in reply, said, that it was the duty of policemen to be at places where crowds were collected. The police assisted the officials at the railway stations in keeping order at the stations on the Derby day. Their services were paid for by the Railway Companies. The reserve from which the officers were detailed for duty was strengthened on these occasions by the suspension of leave.

STATE OF IRELAND—LORD KENMARE'S ESTATE—EXPLANATION.

The O'DONOGHUE asked the First Lord of the Treasury, If he can inform the House how many of the tenants on the estate of Lord Kenmare have been threatened with proceedings for non-payment of rent? He must admit that there was something unusual in the character of the Question. He should not have asked the Question, but for the statement made the day before by the Prime Minister with reference to the estate of Lord Kenmare. That statement had a tendency to mislead the House and the country. ["Oh!"]

Mr. SPEAKER: The hon. Member must confine himself to the Question.

The O'DONOGHUE said, that he would put himself in Order by concluding with a Motion. He was far from ascribing to the right hon. Gentleman any intention of misleading the House or the country. It was, however, clear that impressions inconsistent with fact had been made upon the mind of the right hon. Gentleman, and that he was, perhaps, naturally anxious to reproduce those impressions on the mind of the House. It was true that recently there had not been many evictions on the estate of Lord Kenmare; but that was owing to the revolt which was going on in Ireland against eviction, for which Her Majesty's Government was mainly responsible. The origin of this revolt could be traced to the speeches delivered last year by the Chief Secretary to the Lord Lieutenant during the discussions on the Compensation for Disturbance Bill, and it had reached a culminating point since the speech of the Attorney General for Ireland on the second reading of the Land Bill, when the right hon. and learned Gentleman, with a candour that did him infinite credit, admitted——

Mr. SPEAKER: The hon. Member is not entitled to refer to debates in this House which have taken place during the present Session.

The O'DONOGHUE said, that it was absolutely necessary for his purpose that he should refer to the speech of the right hon. and learned Gentleman in order to answer the statement made by the Prime Minister on Thursday.

Mr. SPEAKER: The hon. Member is not at liberty to refer to the speech which he mentions.

The O'DONOGHUE, continuing, said, that the tenantry on the estate of Lord Kenmare were in a most depressed and discontented state in consequence of their being harassed by his Lordship's agent, under agents, and bailiffs. There were no tenants on any property in Ireland standing more in need of the protection of the Land Bill. He begged to move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*The O'Donoghue.*)

Mr. GLADSTONE: Sir, I cannot answer any Question in the nature of a speech made at this time on a Motion for the adjournment of the House without systematically recording my protest against the licence that prevails upon this subject. From these constant Motions a mass of evidence is being accumulated, which cannot fail to lead the House to adopt some very stringent Resolutions. In reply to the statement and Question of the hon. Member, I am bound to say that I do not think that the hon. Gentleman, from anything I have seen or known of him in this House, would willingly commit injustice to any individual; but he must see that it is not just that attacks of this kind should be made without the smallest opportunity being given to the persons concerned to provide for their defence. He objects to my statement yesterday; but that statement was strictly, and in every word of it, drawn forth by the previous statement of an hon. Gentleman in putting a Question to me on that side of the House; and I do not think it was unnatural that a person holding the Office of a Member of the Queen's Government should feel that it was not fit to allow himself to stand in a doubtful position in the view of the House. The hon. Gentleman has spoken of the necessity on Lord Kenmare's estate of the intervention of the Court to secure moderate rents. I do not pretend to be in possession of all the facts relating to the estate; but this I will say, that within a generation—within the last 20 years or so—Lord Kenmare has laid out £70,000 on that estate without making any addition to the rents in respect of such outlay. As regards the immediate matter of the Question, all I have to say is that I am not informed how many tenants have been threatened with proceedings for non-payment of rent; but if, in a large number of tenantry, when there is a great state of excitement, and when most immoral doctrines are preached on the subject, I find that the number of evictions has been very small, and has been strictly confined to those who could pay and did not, I think the natural conclusion is, that if any of them have been threatened with eviction they have been threatened with a very good cause.

Mr. PARNELL would remind the Prime Minister that, in replying on Thursday to one of his own supporters—the hon. Member for Bedfordshire (Mr. J. Howard)—he did not commence by threatening future penalties upon the hon. Gentleman for moving the adjournment of the House at Question time. The patient demeanour of the right hon. Gentleman on that occasion was, perhaps, due to the fact that the hon. Member who moved the adjournment was one of his supporters. He would also remind the right hon. Gentleman that he did not deprecate an attack made the other day on an absent individual, by one of his own supporters. The right hon. Gentleman accused some persons in Ireland of preaching an immoral doctrine in the advice which they gave to tenants not to pay unjust rents, even if they were in a position to pay them. It was true that that doctrine had been preached in Ireland, and he held that it was a most moral one. The doctrine was based upon this—that the stronger should protect the weaker, and that when the Government of a country failed in its duty of protecting the property of either the majority or minority of a community, combination was allowable among individuals for the purpose of protecting themselves by lawful means. Tenants in Ireland had undoubtedly refused to pay unjust rents, many of those who had so refused being perfectly able to pay. But those who could pay had other resources than the land from which they derived emolument. They had recently heard of a case in point—he referred to the case of Mr. Butterley, who had refused to pay the rent of his farm, near Dublin, though in a position to do so out of the profits derived from his business as a shopkeeper. Mr. Butterley, who had joined the combination for the protection of the weaker tenants, had acted in a patriotic and manly, and not in an immoral way, and would have allowed his stock to be sold at considerable sacrifice if it had been necessary. The people of Ireland were perfectly guiltless whether able to pay or not. The Government had been called upon time after time to protect the tenants who were unable to pay unjust rents; but the appeal had always been in vain. The Chief Secretary, too, had violated his solemn engagement, entered into last Session, which was that if he should find it necessary to apply to Parliament for exceptional powers of repression against the Irish people, and if he should find the landlords using their rights unjustly, he would accompany any request for special powers with a Bill designed to release the Government from being obliged to support injustice. But before the Coercion Act left the House of Commons, the landlords were already using their powers extensively, and forcing the Government to inflict injustice on tenants who could not pay their rents; and yet the right hon. Gentleman failed to keep his promise, and refrained from asking the House to give him power to prevent unjust evictions.

The Government thereupon lost their opportunity of ruling Ireland, and of making coercion effectual, which might have been effectual if with it justice had been simultaneously dispensed. The Government had thrown in their whole weight with the landowning class, and were now meeting with the reward which they deserved. Three weeks ago he had asked the Government to put a stop to ejectments in Ireland, undertaking that if they would do so he would ask all the tenants who could pay their rents to pay them, whether unjust or not. The Government, however, did not accept his invitation, and now matters had proceeded so far that the only course left to them was to allow the contending parties to fight the question out. He believed that the victory, as in every case where a people had struggled against landlord tyranny, would be on the side of the majority, protected though the minority might be by the rifles and bayonets of the military and the police.

Mr. T. P. O'CONNOR said, that he had made no statement with regard to the justice or injustice of the evictions threatened on Lord Kenmare's estate; he had merely called attention to the fact that evictions were being carried on by Lord Kenmare. He thought the right hon. Gentleman ought to have extended his inquiries, for though his statements might be correct with regard to the evictions on the estate of Lord Kenmare, he would have seen that the allegations were true as regarded the estates of the Earl of Arran and others. The Prime Minister's statement had been interpreted as meaning that in nearly every case evictions were just; and he thought that the right hon. Gentleman, if he desired to be just, should have given the particulars of unjust as well as just evictions.

Mr. O'DONNELL said, he did not object to the Prime Minister's defence of Lord Kenmare, who had the advantage of being a Member of the Government; but he wished to dispel what seemed to be a general assumption, that Irish tenants were not capable of responding to the actions of generous landlords. Within the past two days, the Earl of Portarlington, who was a Member of the Conservative Party, had received a most gratifying expression of esteem and respect from his tenantry, to whom, although his was not one of the most distressed districts, he had accorded Griffith's valuation; and the noble Lord, in replying, said that while landlords had indisputable rights, tenants had indisputable rights also. The case, it would be admitted, was a very gratifying one, and presented a contrast to that of Lord Kenmare, who had certainly not been the subject of grateful enthusiasm on the part of his tenantry.

Mr. GLADSTONE said, that he had that morning had the pleasure of receiving a letter from Lord Portarlington detailing the circumstances to which the hon. Member alluded; and that he had at once written to the noble Lord expressing his great gratification at the news.

Mr. HEALY said, the Premier did not, perhaps, understand all that was implied by his statement that in two of the eviction cases Lord Kenmare had obtained for his action the sanction of Dublin juries. What that meant was, that Lord Kenmare had not chosen to obtain his ejectment processes in a local Court, as he might have done, but had subjected his poor tenants to the expense and trouble of going to Dublin, hundreds of miles away. A Bill to prevent such scandals was brought in last year by the hon. Member for Longford, but was thrown out in the House of Lords, no doubt with Lord Kenmare's assistance. The state of Ireland at the present time might be likened to that of a person who was asked to pay £1 and could only pay 10*s*. What was needed for the country was a sort of Bankruptcy Bill. When merchants in the City became unable to pay their debts they were not threatened and coerced by military and police; but the poor tenants in Ireland, when they found themselves in that position, were at once throttled in the name of the law. Ireland, in fact, lay at the mercy of the foreigners sitting on the Treasury Bench, who had not the smallest sympathy with her wrongs, and who, though they knew that the whole Irish difficulty resolved itself into a question of the difference between 15*s*. and £1, allowed the Shylocks who held the land to claim their pound of flesh.

Colonel COLTHURST said, though there might be causes of complaint in connection with Lord Kenmare's estate, and particularly with its management, yet, from his knowledge of the circumstances, he believed—and he appealed to the hon. Member for Tralee (the O'Donoghue) to confirm him—that, on the whole, the rents were not only fair, but moderate; and if any persons were ejected, it was only because they were well known to be able to pay, but would not. He might add that in the autumn of 1879, when the land agitation was beginning, a dignitary of the Roman Catholic Church remarked to him—"There are landlords in Kerry who are getting credit for reductions of 20, 30, and 40 per cent, and their rents are higher than Lord Kenmare's, without any reduction."

MR. FINIGAN stated that, of 88 evictions which had been carried out in a certain district in Leitrim since January last, 73 had been ordered by landlords who were justices of the peace. In the face of these facts, how, he would ask, could the people be expected to respect the law, or the Government who administered the law, and who, after admitting the necessity of putting a stop to wholesale evictions, allowed them to go on unchecked?

MR. MACARTNEY pointed out that until hon. Members from Ireland could determine how rents could be recovered without evictions, it was unfair for them to characterize the landlords as cruel and unjust. Having regard to the number of landlords in Ireland, and the number of evictions, it would be found that a very small proportion of tenants had been proceeded against in this manner, and then only after repeated attempts had been made by the landlords to recover rents from tenants who could pay if they would. The landlords, it should be remembered, were not all of the exalted rank of Lord Kenmare. There were a great many small landlords who had nothing but their land to live on, and who had either to press for their rents or starve.

MR. TOTTENHAM said, that, like the hon. and gallant Member opposite (Colonel Colthurst), he was unwilling to intervene in this discussion; but as many of the persons who had been mentioned were personal friends of his own he felt bound to say something in their behalf. In the cases of all the gentlemen who had been named, the evictions which had been referred to did not represent 5 per cent of the tenants in arrear on those various estates; and he was sure that none of those gentlemen would have selected any tenant for eviction unless he were perfectly aware that such tenant was able to pay.

THE O'DONOGHUE, in asking permission to withdraw the Motion, expressed his regret at finding it necessary to make a Motion of that kind. He wished to say one word to this effect. He could not corroborate the statement which had been made by his hon. and gallant Friend the Member for Cork County (Colonel Colthurst). He was aware that the tenants on Lord Kenmare's estate did not regard their rents as moderate, and that in the last few years the rents had been raised 50 or 60 per cent.

Motion, by leave, *withdrawn.*

POLICE SUPERANNUATION—LEGISLATION.

MR. A. ELLIOT asked the Secretary of State for the Home Department, Whether the Bill, which the House has been informed is in preparation by the Government dealing with Police Superannuation, will be introduced during the present Session?

SIR WILLIAM HARCOURT: Sir, the Government are ready to introduce a Bill upon this subject if there is an opportunity of doing so. In the actual state of the Notice Paper it will be impossible to introduce the measure at the present moment; but the Government are anxious to deal with this matter very much on the principle pointed out by the Commission on Metropolitan Police.

ARMY—THE BARRACKS AT NEW ROSS.

MR. REDMOND asked the Secretary of State for War, If the statement in the "Times" of June 2nd is correct, that

> "Instructions have been given from the War Office to have the Military Barracks at New Ross, now occupied by a Company of 20th Hussars, fitted with portholes and looped for musketry;"

and, if so, upon what grounds such instructions were issued?

MR. CAMPBELL-BANNERMAN: Sir, a small sum of money has been authorized to be spent for the security of certain buildings in Ireland, of which the barrack at New Ross is one; but we have no details of the works which have been executed.

STATE OF IRELAND—EVICTIONS IN ARRANMORE.

Mr. T. P. O'CONNOR asked the First Lord of the Treasury, Whether it is true that the "Goshawk," one of Her Majesty's gunboats, has been employed in the work of assisting the serving of ejectment processes on the tenants in the island of Arranmore; whether the inhabitants of this island are described in the evidence of the Rev. Bernard Walker, P.P., of Burtonport, before the Bessborough Commission, as suffering in recent years from the combined effects of failure of the kelp trade and of the potato crop; whether the inhabitants are, as a consequence, described by Father Walker as

> "Poor in the extreme, miserably clad, and compelled, in the case of one family, to sleep, without distinction of sex, in one bed for want of clothes;"

and, whether he will sanction the employment of gunboats and sailors for the purpose of assisting in the eviction of subjects of Her Majesty in circumstances of such abject misery?

Mr. GLADSTONE: Sir, with regard to the first part of the Question, the state of the case is as follows:—On the afternoon of the 31st of May, the *Goshawk* gunboat left Gweedore for the Island of Arranmore with a party of constabulary and a magistrate, who intended to go to the island for the purpose of enforcing process. She returned on the morning of the 1st of June. The Admiral at Queenstown telegraphed yesterday—and the information is rather more complete than I was able to state to the House yesterday—that there is no truth in the report that an affray had occurred between her and the islanders. Beyond that we do not know anything; but, undoubtedly, it is true that to the extent of carrying a party of police the *Goshawk* was employed, and, as far as I am able to judge, properly employed. But the rules of the Naval Service are very strict in regard to allowing the actual intervention of ships' companies in matters of these processes. That is never allowed except in cases of stringent necessity, and with careful precautions. As to the evidence taken before the Bessborough Commission, I respectfully hope the hon. Member will not insist upon making those contents the subject of Questions to me, because they are matters entirely within his own cognizance. In the same way, I hope he will not ask me any hypothetical questions in regard to employing gunboats and sailors. That is not in question, for there has been nothing of the kind for the purpose of assisting in evictions of subjects of Her Majesty.

Mr. PARNELL asked the right hon. Gentleman, whether this gunboat *Goshawk*, which had been employed in carrying police for the purpose of assisting at evictions, was the same gunboat which, in the winter of 1879-80, was employed by the late Conservative Government in carrying food for the same people that the present Government was now attempting to evict?

[No reply was given to this Question.]

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—LETTERS TO POLITICAL PRISONERS (MR. HODNETT).

Mr. HEALY asked Mr. Attorney General for Ireland, Whether it is true that Mr. Eager, Governor of Limerick Gaol, stopped on the 17th of May a letter addressed to a friend by one of the political prisoners (Mr. Hodnett, Chairman of the Ballydehob Board of Guardians) because of some statement therein that a magistrate who had expressed a hope from the bench that "the people would soon get powder and ball" was unfit for his position, if he will quote the exact words to the House and state whether he approves the suppression of the letter; whether it is true that the Governor detained several other letters addressed to Mr. Hodnett and, in at least one instance, refused to give him the sender's name, so that the latter might be communicated with by Mr. Hodnett; whether the House can be informed of the language which caused the suppression in these instances, also upon what principle of censorship the Governor acts, if his power or discretion is uncontrolled; and, whether at least the Government will give instructions that letters addressed to political prisoners when stopped shall be returned to the senders with the passages objected to plainly marked, or that the gentlemen imprisoned shall have the choice of receiving them with these passages erased; and, if he can explain how it is that inquiries respecting matters affecting Limerick take so long to answer?

The ATTORNEY GENERAL for IRELAND (Mr. Law): Sir, letters to and from Mr. Hodnett, at present imprisoned in Limerick Gaol, under the Act for the better Protection of Person and Property in Ireland, have been detained by the prison authorities in the exercise of their discretion, and with the sanction of the Executive in Ireland; it being considered that these letters were of such a character as to justify that course. The discretion of the Governor of the gaol in such cases is not absolute, but is subject to the review of the Government. I must decline to undertake, on the part of the Government, the responsibility suggested, that letters which are thus detained shall be returned to the sender with the objectionable passages marked, or that the letters shall be delivered with the passages erased.

Mr. HEALY asked, whether the right hon. and learned Gentleman would take steps to enable prisoners to be informed from whom the letters came that were stopped?

The ATTORNEY GENERAL for IRELAND (Mr. Law): That is entirely outside my province.

Mr. HEALY said, he would renew the Question, as it must be in somebody's province.

STATE OF IRELAND—REPORTED OUTRAGES IN GALWAY—RULES OF DEBATE—SUSPENSION OF A MEMBER.

Mr. TOTTENHAM: I beg to ask the Attorney General for Ireland a Question of which I have given him private Notice—namely, Whether Lord Dunsandle's son, Mr. Daly, was fired at and wounded yesterday near his father's residence, at Loughrea, in Galway; whether this is not the third murder or attempt to murder within the last three weeks in the same locality attributable to the Land League—[*Loud cries of* "Oh!" *and* "Order!"]

Mr. T. P. O'CONNOR: I rise, Sir, to a point of Order. I wish to ask, whether it is not one of the Standing Rules of this House that no Question to a Minister shall contain an expression of opinion with regard to matters in dispute. The hon. Member, in attributing—as I would put it, mendaciously attributing—to the Land League the responsibility of—[*Loud cries of* "Order!"]

Sir STAFFORD NORTHCOTE: I wish to ask you, Sir, whether the word "mendacious" is a word that can be properly applied by one Member of the House to another?

Mr. SPEAKER: If the hon. Member, when he made use of the word "mendacious," applied it to a Member of the House, he is clearly out of Order, and I must ask him to withdraw this word.

The O'DONOGHUE: I rise to ask you, Sir—[*Loud cries of* "Order" *and* "Withdraw!"]

Mr. SPEAKER: I cannot allow any interposition.

Mr. T. P. O'CONNOR: I will withdraw the word, Sir, and I will substitute for it "inaccurately." The hon. Member, in inaccurately attributing to the Land League the responsibility for outrages which the League has done its best to repress——

Mr. SPEAKER: The hon. Member has not addressed himself to the point I have raised, that, having applied the expression "mendacious" to a statement made by a Member of the House, he is called upon to withdraw it. [*Cries of* "He did!"]

Mr. T. P. O'CONNOR: I am afraid, Sir, my words did not reach your ears. I did withdraw the word "mendaciously," and substituted "inaccurately" for it. I wish to ask you, Sir, whether the hon. Member, in putting a Question to a Minister, is not violating a Standing Order of this House in attributing to the Land League organization responsibility for outrages which the League repudiates, and which is, at any rate, a matter for discussion; and, secondly, whether it is in Order for an hon. Member to attribute responsibility for outrage to an organization the control of which is in the hands of hon. Members belonging to this Assembly?

Mr. SPEAKER: If the hon. Gentleman had placed on the Paper, in the ordinary way, the terms of the Question he proposed to submit to the right hon. and learned Gentleman, I should have considered it my duty to strike out such an expression of opinion.

Mr. O'KELLY: I want to know, Sir, whether there is any protection in this House for hon. Members on these Benches against any Gentleman making statements which are calumnious and lying? [*Loud cries of* "Order!" *and* "Name him!"]

Mr. SPEAKER: I think, considering that I have called the attention of the hon. Member for Galway to the language which he has used, and which he has very properly withdrawn, I am bound, after the more violent expression made use of by the hon. Member for Roscommon, to Name Mr. O'Kelly.

Mr. GLADSTONE: I rise, Sir, to move that Mr. O'Kelly be suspended from the service of the House during the remainder of this Sitting.

Mr. HEALY: Does that include the Evening Sitting?

Mr. GLADSTONE: Yes, Sir.

Motion made, and Question put,

"That Mr. O'Kelly be suspended from the service of the House during the remainder of this day's sitting."—(*Mr. Gladstone.*)

The House *divided*:—Ayes 188; Noes 14: Majority 174.—(Div. List, No. 227.)

Mr. SPEAKER then directed Mr. O'Kelly to withdraw, and he withdrew accordingly.

Mr. JUSTIN M'CARTHY: Mr. Speaker, if I am in Order, I beg leave to put to you a Question with regard to your recent ruling. Having a desire to obtain some clear understanding on the subject, I should like to ask you, Mr. Speaker, whether it is not the fact that a Predecessor of yours in that Chair ruled that Lord Palmerston was not out of Order in using the words "calumnious and mendacious statements," if these words were applied to the statements and not to the Member using them?

Mr. SPEAKER: The hon. Member has asked me a Question as to a point of Order which is not now before the House. The House has suspended one of its Members during this day's Sitting for the use of the expression "lying."

Mr. JUSTIN M'CARTHY: A "calumnious and lying statement."

Mr. GLADSTONE: If it is not an impertinence on my part, I may say that I think I recollect the incident to which the hon. Member refers, and the statement which he has just made is only very partially accurate. The objection was to the word "calumnious," and that word was not used by Lord Palmerston, but by another Member. The House and Lord Palmerston objected to it. The word "mendacious" did not come into the case at all.

Mr. JUSTIN M'CARTHY: There were two occasions on which the words were used. On the second occasion Lord Palmerston objected to them; but he had formerly used them himself, and reference was made to that former occasion as a precedent.

Mr. SPEAKER: I must point out that this Question is altogether irrelevant. If the hon. Member desires to call attention to the matter, it is open to him to do so in the usual way.

Mr. TOTTENHAM: In deference to what fell from you, Sir, I have altered the Question slightly to bring it within your ruling. It will now read as follows:—Whether Lord Dunsandle's son, Mr. Daly, was fired at and wounded at Loughrea yesterday; whether that is not the third murder, or attempt at murder, committed within the last three weeks in that locality; whether threatening posters, headed "More to be murdered," had been put up extensively in that district yesterday and Wednesday; and I would also ask how long the Executive Government intend to permit the body called the Land League to carry on their operations? [*Cries of* "Order!"]

Mr. T. P. O'CONNOR: I rise to a point of Order. I wish to ask you, Sir, if the hon. Member is in Order in re-introducing into this question any expression of opinion which you have formally ruled to be out of Order; and whether, in so doing, the hon. Member is not disregarding the ruling of the Chair, and, therefore, subjecting himself to the penalty of being Named?

Mr. SPEAKER: If the terms of the Question put by the hon. Member were precisely those which he read before, and which were objected to, I do think it would be an irregularity on the part of the hon. Member.

Mr. TOTTENHAM: The terms are not the same, Sir. [*Cries of* "Name him!"]

Mr. SPEAKER: If the words were not the same I have nothing more to say.

The ATTORNEY GENERAL for IRELAND (Mr. Law): Sir, the only information which I have is probably that which is in the possession of the hon. Member. I have seen a statement in one newspaper, and in another newspaper I have seen a second statement which says that the report is not confirmed. I believe it is true that one or more personal attacks have been made in the district referred to. As to the threatening posters, I saw to-day in one of the morning papers that they had been put up. The last part of the Question I must decline to answer.

Mr. O'SHEA: I wish to ask Mr. Attorney General for Ireland whether Lord Dunsandle has got a son?

The ATTORNEY GENERAL for IRELAND (Mr. Law): The hon. Member can hardly expect me to answer that Question.

STATE OF IRELAND—DISTURBANCES AT QUINLAN'S CASTLE, NEW PALLAS, CO. LIMERICK.

Mr. GORST: I wish to ask Mr. Attorney General for Ireland, Whether the proceedings which have recently taken place at Quinlan Castle, near New Pallas, do not amount to a declaration of war against Her Majesty; and, if so, whether the persons taking part in it are not guilty of high treason?

The ATTORNEY GENERAL for IRELAND (Mr Law): I regret that the hon. and learned Gentleman did not put his Question on the Paper. It must depend upon the facts of the case whether the proceedings amounted, even technically, to treason.

Lord RANDOLPH CHURCHILL: I wish to ask the Government this Question. Is it or is it not the case that Quinlan Castle, near New Pallas, has been occupied by a body of tenantry for a period of now nearly a week; that they have broken down the bridges which lead up to the place, and that they have successfully resisted the combined forces of military and police; and, whether a military detachment did not leave Dublin yesterday for the purpose of capturing the Castle?

Mr. PARNELL: I wish to ask, whether the occupation of Quinlan Castle, referred to by the noble Lord, does not consist of the occupation by an old woman, who many years ago built her cabin under or within the walls of the Castle, and has continued in occupation ever since?

The ATTORNEY GENERAL for IRELAND (Mr. Law): I regret that I cannot offer any legal opinion upon the subject. [Lord Randolph Churchill: It is a question of fact.] There is a considerable variation as to the facts of the case. On the one hand, the place has been described as being occupied by a considerable armed force; and, on the other, as being occupied by an old woman. As I have no official information on the subject, I must decline to give an answer.

Sir STAFFORD NORTHCOTE: Sir, I do not understand entirely from the answer of the Attorney General for Ireland whether the Government have taken any steps to ascertain what the facts are. These reports have been going in circulation for several days, and the Government must, I should think, have taken steps to satisfy themselves as to their correctness.

The ATTORNEY GENERAL for IRELAND (Mr. Law): I have no doubt that the Government in Ireland are in possession of all the facts and circumstances, and are taking every step necessary for dealing with them. [*Cries of* "This House!"] For myself, I have no official information on the subject, and cannot, therefore, give any more satisfactory answer. [*Cries of* "Oh!"]

Mr. RITCHIE: Has the Irish Executive asked for any information?

Lord JOHN MANNERS: I beg leave to ask the Home Secretary, who, I believe, has some responsibility for Irish affairs, whether he has made any inquiry into this very serious state of things; and, if he has not done so, whether he will do so without any further loss of time?

Mr. A. M. SULLIVAN: May I ask if hon. Members really know what this so-called castle is? [*Cries of* "Order!"] I will put myself in Order by asking the Government if they are aware that it consists of a couple of parts of walls which formerly were part of a castle, of which otherwise only the name remains?

Sir WILLIAM HARCOURT: I know that my Predecessor in Office did lay down the doctrine last Session that I was constitutionally responsible for the government of Ireland. In one sense that is true; in another sense it is not perfectly accurate. The right hon. Gentleman knows perfectly well that the Home Secretary is only the medium of communication between the Sovereign and the Lord Lieutenant, and he also knows that the details of the administration of Ireland do not pass through the Home Office. Therefore I do not think that the noble Lord can seriously suppose that I am the proper source of information with regard to the details of the administration of the Executive in Ireland. But, in answer to the appeal of the noble Lord, I certainly will make it my business to ascertain what are the facts of the case.

Mr. TOTTENHAM: I beg to give Notice that on the 9th instant, on going into Committee of Supply, I will call attention to the whole proceedings of the Land League in Ireland and move a Resolution.

Earl PERCY: I beg to ask the First Lord of the Treasury, whether he considers that it is for the interest of the Public Service, in a matter of such vital importance as that just mentioned, that Her Majesty's Government should be without any information as to the nature of the castle, or as to the proceedings which have taken place there, and should be unable in any way to allay the public anxiety as to the state of Ireland?

Colonel BARNE: I put a Question to the Chief Secretary for Ireland on this matter a few days ago, and the right hon. Gentleman said he would reply to it more fully in his speech. He said that the matter was looked upon very seriously in that part of Ireland, and I think in his absence it is only right that some Member of the Government should be able to give the House some information.

Mr. GLADSTONE: I frankly own that I am not in a position to judge of the importance of the subject. I have no doubt that the noble Lord (Earl Percy) is aware that the practice is always for the Government to trust to the local authorities—the local representatives of the Government—to give them every information which concerns the discharge of the duties of Government; and until we receive that information it would be absurd to make any statement on the subject. If there is apparent ground for making inquiry we will do so. As we now stand, all we can do is to give the assurance which my right hon. Friend the Home Secretary has given, that we will make immediate inquiry.

Lord RANDOLPH CHURCHILL: These are plain matters of fact, upon which the Attorney General for Ireland must be able to answer. ["Oh!"] It is perfectly ludicrous. I ask the right hon. and learned Gentleman whether it is a fact that a military expedition left Dublin yesterday to operate for the capture of Quinlan Castle? Is that a fact or not?

The ATTORNEY GENERAL for IRELAND (Mr. Law): I see that statement in this morning's newspapers, and I assume it to be correct.

RULES OF DEBATE—SUSPENSION OF MEMBERS.

Mr. PARNELL gave Notice that on Friday, on going into Committee of Supply, he would move that it is not in accordance with the Orders and precedents of this House that a Member of this House should be suspended from its service for describing as lying and calumnious statements reflecting on the honour of the same Member.

MOTION.

PARLIAMENT—PUBLIC BUSINESS—THE WHITSUNTIDE RECESS.

Mr. GLADSTONE: I beg, Sir, to move that the House, at its rising, adjourn till Thursday next.

Motion made, and Question proposed, "That this House, at its rising, do adjourn till Thursday next."—(*Mr. Gladstone.*)

Mr. MONK asked what Supply would be taken on Thursday and Friday next?

Mr. GLADSTONE: The Civil Service Estimates.

Sir WALTER B. BARTTELOT said, he hoped that it was not too much to ask the Prime Minister to telegraph at once to Ireland, so as that at the Evening Sitting they might know whether a force was sent from Dublin last night to Quinlan's Castle.

Mr. GORST asked the Government whether, when the House met after Whitsuntide, they would be prepared to face two important questions as to which information had been sought from them in vain, and in regard to which they had hitherto endeavoured to shelter themselves, under the plea that they were without information? The first of those questions related to the Transvaal. It appeared that the Colonial Office was absolutely ignorant as to what was going on in the Transvaal at the present moment. The Government had assured the world that they had undertaken solemn obligations for the protection of the Natives of the Transvaal; but day by day they were hearing through the ordinary channels of information that these Natives were liable to attacks on the part of the Boers. They were attacked because they were loyal to the British Crown; and the answer of the Under Secretary of State for the Colonies was that the Government knew nothing whatever on the subject, that he did not intend to take any steps for the protection of the Natives, and that he intended to leave the whole matter to the Commission, which appeared to have no power whatever to interfere. The second question had just come up. It appeared from the ordinary channels of information that proceedings were going on in Ireland which amounted to high treason; but the Government did not know what those proceedings were. They did not know whether high treason had been committed. He wanted to ask whether, before the House met after the holidays, the Government would ascertain whether the Natives of the Transvaal had been outraged by the Boers or not, or whether high treason had been committed in Ireland or not; and, whether, if they ascertained that in either of these matters the facts were in accordance with the intimations in the public journals, the Government would take some steps to vindicate the Queen's authority?

LORD RANDOLPH CHURCHILL said, he remembered a case in which the present Postmaster General (Mr. Fawcett) absolutely refused to agree to the Whitsuntide Adjournment, because information on the Eastern Question was not forthcoming. He proposed to follow that high example. The House had a right to know what was going on in Ireland. They saw what was stated in the newspapers. The police, in attempting to serve processes in the neighbourhood of Quinlan's Castle, were resisted. They were successfully resisted. The people took possession of the castle, and the military and the police retired from the scene. It was said that a flying column left Dublin last night in order to assist the force in that neighbourhood in reducing the peasantry; and when the Attorney General for Ireland was asked a Question on the subject, he simply replied that he knew nothing about it, except from the papers, the accounts in which he was unable to say were or were not accurate. What about other encounters? Were the Government masters of the situation, or were the Land League? Was it the rule of the Queen, or the rule of the hon. Member for the City of Cork (Mr. Parnell)? Could not the Prime Minister get up and say something before the House rose for the holidays? What he had been speaking of occurred only a few hundred miles away. It was not in the far-off Transvaal that armed resistance to the Queen's troops was succeeding—it was within the United Kingdom; and when attention was called to the subject, the Attorney General for Ireland sat like a log and did not say a word. [*Cries of* "Order!"] That remark was strictly metaphorical, for he had a great respect for the right hon. and learned Gentleman. He did not think the House of Commons would consent to the adjournment for the holidays under these circumstances, and he was afraid he must put the House to the trouble of a division.

MR. GLADSTONE: I will say a few words with regard to the observations of the hon. and learned Gentleman and the noble Lord. The noble Lord said that my right hon. and learned Friend sat here like a log, and the hon. and learned Member for Chatham said that Her Majesty's Government sheltered themselves under the plea of ignorance. We are too much used to observations of this kind—observations which the commonest rudiments of courtesy and good sense would not permit to be used, I will not say between one gentleman and another, but between one man of sense and another. With respect to what is going on in Ireland, the noble Lord has drawn a sound distinction between events happening in that country and events happening in the Transvaal. But the hon. and learned Member for Chatham is totally ignorant of that distinction, for when he sees any rumour which appears in any correspondence in the newspapers describing what is supposed or reported to be taking place in any portion of the Transvaal, however far from post or telegraph, the hon. and learned Member thinks that it is posible to be made the subject of immediate inquiry as to how far the rumour is correct or not. He seems to forget that the transmission of rumour is one thing, and the transmission of authentic intelligence another. Little or no time is required for picking up and transmitting gossip; but for the purpose of bringing this gossip to the test, and ascertaining how far it is correct, a good deal of time may be required. I have the fullest confidence in those who are acting for Her Majesty's Government in the Transvaal, especially in Sir Evelyn Wood, who is principally responsible; and I have the strongest belief that all that is material and interesting to be transmitted to this country, and authentically ascertained, will be given to us without delay; further than that, we can with great satisfaction at once promise to make inquiries with respect to Questions put such as were asked the other day by the right hon. Member for East Gloucestershire (Sir Michael Hicks-Beach). But it is neither reasonable nor expedient for the public interest that in this degree of heat and excitement, and upon the foundation of intelligence in no authentic form, speeches of this kind should be made in this House, that challenges should be addressed to the Government and inferences drawn, the general effect of which is to increase the excitement in the country, which we ought rather to allay, and to weaken public authority in the enforcement of law and order. The noble Lord spoke of disturbances in three parts of Ireland. [Lord RANDOLPH CHURCHILL: Armed resistance.] It might have occurred to him to reflect with regard to what was done last night in Dublin in commencing proceedings for the purpose of enforcing law and order, in a given part of the country, that those proceedings would not be made the subject of official Report to the Government until they had reached a crisis or consummation. What we know is that vigorous measures were adopted by my right hon. Friend the Chief Secretary and by the Executive Government for Ireland last evening for the purpose of dealing with the grave case —if grave case it is—of the occupation of Quinlan Castle. We know that events in that neighbourhood are serious events, and that the Executive Government have adopted what they think the most effective measures for dealing with those events in a satisfactory manner. It is not possible for me, having this information only in a general form—in the form of a private letter from my right hon. Friend—to speak as if I were giving an official account of these transactions. With respect to the Transvaal, I cannot say when the information asked for will arrive; but if he will be good enough to supply myself or my noble Friend the Secretary of State for the Colonies with the particular statements which he wishes to be made the subject of inquiry that shall be done. With regard to the question of the hon. and gallant Member opposite (Sir Walter B. Barttelot) the information has already been asked for.

SIR STAFFORD NORTHCOTE: Sir, I am bound to say that the statement which has just been made by the Prime Minister is by no means calculated to allay our uneasiness. I do not wish, at the present moment, to enter into the question of the Transvaal; but with regard to the question of Ireland, I think there is a good deal of ground for alarm in the statement which the Prime Minister has made. If I understand aright, not only is it thought expedient and right not to communicate to the House in full what they may be doing, and what may be the state of things in particular districts—which is a perfectly intelligible course, the responsibility of which would rest with the Government; but from what has been said by the right hon. Gentleman, by the Attorney General for Ireland, and the Home Secretary, we are to infer that the Government of this country are not themselves aware of what is taking place in Ireland. When the right hon. Gentleman twits us with making statements founded upon newspaper rumours, we would not make statements upon newspaper rumours if we had anything else to go upon. When we ask Questions of the Government we have a right to expect that they will have information on these subjects. Now, with regard to Quinlan's Castle and the attack upon it. It may or may not be a matter of importance; but considering that it was a matter which was made a good deal of a few days ago, and that a Question on the subject was actually addressed to the Government a few days ago, one would have thought that some information would be possessed in the Irish Office, and would be in the hands of those who have spoken for the Irish Office. The fact that necessary business should take the Chief Secretary for Ireland away from this House at the present moment is in itself a cause for some anxiety. We know that matters are going on which, under ordinary circumstances, would call for the presence of the Chief Secretary in his place in Parliament, and we know that he is not here. That is a ground for some additional and unusual anxiety. We hear rumours of an alarming character; we hear about movements of troops, and there is nobody even from the War Office to tell us what these movements are. We do not know whether or not the Secretary of State for War has gone over to Ireland himself. Whether there is much or little in the stories that are told us—whether there is much or nothing in these disturbances—I do not now inquire; but what I consider as very serious and alarming is that there should get abroad an impression that Her Majesty's Government have not a grasp of the subject. If it can be believed that the Government are feeble, uncertain, and ill-informed in their proceedings, that is an element of danger. It may be that it can hardly be expected that they could get information as to what is going on in distant parts of the Empire. Of course, we recognize that plea much more fully than they recognized some of the difficulties that were felt by the late Government, when stories and newspaper accounts came from Bulgaria. [*Cheers from the Ministerial Benches, in which Mr. Gladstone energetically joined.*] I do not understand the great excitement of the right hon. Gentleman. Of course, I understand that he means that the condition of Bulgaria would be much more interesting to him than that of Ireland or the Transvaal. [*Cries of* "Oh, oh!"] When, on the strength of newspaper reports from Bulgaria, Questions were addressed to the Government of the day as to the information which they had received, they were expected to give immediate answers; but they were obliged to say that they had not received information, or had no means of immediately answering the Questions. Fault, however, was found with the Government for taking that course. But I am quite ready to deal very different measures from that to the present Government in reference to the events which are happening in the Transvaal. With regard to the question of Ireland, the matter is really very serious, because we are led by the answers given by the Prime Minister to believe that, though serious events are going on there, they are not communicated by the Executive Government to the Home Government. My own belief is that if there is danger in Ireland it arises chiefly from the impression of uncertainty and feebleness on the part of the Executive Government.

SIR WILLIAM HARCOURT: I do not exactly know the object of the right hon. Gentleman's remarks. If they are intended to tranquillize the public mind with regard to the condition of affairs in Ireland, I do not think they were so well calculated for the purpose as they might have been. The noble Lord the Member for Woodstock (Lord Randolph Churchill) referred to the precedent of not allowing the adjournment of the House till information was given on a question relating to Eastern affairs, and the right hon. Gentleman has stated that the course of the late Government was very different. That is a fact. I remember the occasion when the Motion referred to was made. The Government was asked if anything of importance was going to happen in the interval. The right hon. Gentleman opposite got up and said he was not aware that any circumstance of importance was about to occur, and the next morning the newspapers announced the despatch of the Indian troops to Malta. That is a precedent the present Government do not intend to follow. When they have information they will always give it to the House. They will not pretend to have information they do not possess, nor would they conceal that which they did possess. The right hon. Gentleman imputes to the Government ignorance as to what is going on in Ireland. That proposition I entirely deny. What occurred yesterday? Alarm was caused by accounts of the killing of a policeman in Ireland. The right hon. Gentleman opposite asked a Question. But the Government were able to make a statement which relieved the feeling of alarm. Therefore, it is not the fact generally, or at all, with the exception of this particular question, that the Government did not know what was happening in Ireland. The Attorney General for Ireland has been asked whether high treason has been committed. I see opposite the late Attorney General, and I have far too high a respect for the wisdom and prudence of that hon. and learned Gentleman to suppose that if he had been asked whether high treason had been committed he would have given an answer without deliberation. That is the sole foundation of the charge brought against the Government. ["No!"] What other circumstance is there? It is the business of the Government—and it has been performed—to make themselves acquainted with all the circumstances occurring in Ireland; and if the hon. Gentleman had thought the case of sufficient importance to put down a Question on the Paper with reference to it, it would have been our business at once to ascertain what the facts were; but they had assumed, as they had a right to do, that nothing critical had occurred. They have confidence in the Lord Lieutenant and Chief Secretary, and they believed that if anything serious had occurred it would have been immediately communicated to them. But that does not prevent the Government, if any Member of the House desires any particular circumstances to be inquired into, from telegraphing to Ireland for the information required. There is no foundation for the superstructure of alarm which the right hon. Gentleman opposite has endeavoured to raise. He is endeavouring to create, in a state of circumstances grave enough, difficulties still greater than those which the Government have to encounter. I confess I was not surprised at the course taken by the hon. and learned Member for Chatham (Mr. Gorst) and the noble Lord the Member for Woodstock (Lord Randolph Churchill); but I did expect that the right hon. Baronet opposite (Sir Stafford Northcote), with his responsibilities, and knowing the difficulties which must beset a Government in the present state of Ireland, would not have endeavoured to aggravate those difficulties.

Mr. O'SULLIVAN said, he did not rise for the purpose of taking part in the debate, but to state that the castle referred to was in his county (Limerick), and that many misstatements had been made in regard to what had taken place. The police and military engaged in the Quinlan's Castle affair did not retire because armed resistance was shown, but because they failed to secure the services of a bailiff to carry out the orders for the execution of which the expedition was organized. There was quite enough to put forward in regard to the county without making statements not founded on facts.

Mr. MAC IVER said, he rose with three objects. In the first place, he desired to inquire as to the course of Business for the evening. In the second place, he desired to give an emphatic contradiction to the Home Secretary's statement with regard to the despatch of Indian troops to Malta. The intended despatch of those troops was, as a matter of fact, and at a time when the House was still sitting, perfectly well known to himself (Mr. Mac Iver), and to everybody having business relations with Bombay. It was not kept a secret, as alleged, until after the House adjourned. In the third place, he wished to appeal to the Government to consider during the Recess whether they could not put on one side the Land Bill—a measure with which they were wasting the time of the House and the country—and then introduce really remedial legislation for Ireland. The question of eviction should receive serious thought on the part of the Government; and confiscation, if resorted to, ought, on the same principle, as when the property of landlords was compulsorily taken for railway purposes, to be accompanied by compensation. But what, he might ask, could one expect from such a vacillating Government as the present one, whose conduct the following prophetic lines, written long ago, might aptly describe:—

> "Ne'er may any craven pilots
> At my country's helm preside
> Swayed by mob-tongued agitation,
> Taking demagogues for guide;
> Truckling to the voice of faction,
> Listening for the loudest cry;
> Gauging passions, measuring noises,
> What to grant or what deny."

Mr. A. J. BALFOUR asked what Business would be taken in the evening, as he distinctly understood that no Government Orders would be proceeded with?

Mr. GLADSTONE said, that no other Business would be taken but the Motion in regard to Ireland.

Sir STAFFORD NORTHCOTE: I have no right to say a word; but as a matter of personal explanation I may be allowed to take notice for a moment of a reference which was made by the Home Secretary to a transaction of some years ago. I will not now interpose with the statement which I am anxious to make; but I feel that what took place at that period, and could not be fully explained at the time, ought, at some time, to be known to the House. I shall consider it my duty to ask to be allowed to make the statement on a future day. [*Cries of* "Go on!"] Well, if I have the indulgence of the House, I will state the matter, which I think I can do in a few sentences. The circumstances under which we stood at that moment were these. The Russian Army was close to Constantinople, and the British Fleet was also close to that city. There was great uneasiness lest a collision should take place between them, and in the event of a collision having taken place, or in the event of hostilities, it had certainly been agreed to in principle by the Cabinet that Indian troops should be brought to Europe. But no decision had been taken as to the time and manner of their coming, nor had I any reason to believe at that time that any order for their movement had been given. In fact, I do not think that any order had then been given. A day or two before the statement I made to the House, and to which the Home Secretary has referred, a proposal had been made to the Russian and British Governments by another Power, that, in order to facilitate the negotiations that were going on, and to prevent the danger of a collision, the British Fleet and the Russian troops should simultaneously withdraw to a certain distance from Constantinople. That proposal had been made and had been accepted in principle by the British Government, and on the morning of the day on which I made my statement before the holidays we had just received a telegram to say that it had also been accepted by the Russian Government. I therefore believed that at the moment I spoke the matter was quite at an end, that the two Powers would withdraw their forces, that there was no longer a risk of a collision, and that, consequently, there would be no necessity for moving the Indian troops. It was under those circumstances that I gave the answer which I did. I afterwards explained to the House how it was that the movement of troops was decided upon by action in India; but, in reference to my own statement, I was stating that which I then fully believed to be true—namely, that not only was there no special danger at that particular moment, and nothing inconvenient in adjourning for the holidays, but that I had reason to believe exactly the contrary.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [SIXTH NIGHT.]

[*Progress 2nd June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 1 (Sale of tenancies).

Mr. GIVAN moved, in page 1, line 13, after "only," insert—

> "But if the landlord shall unreasonably decline or omit to give his consent to the sale to more than one person, the Court may give such consent."

He submitted that the tenant was entitled to a further concession than the Bill at present gave him, and that the proposal contained in the Amendment was absolutely necessary, in order to prevent the continuance of that friction on this important subject which had hitherto existed between the landlord and tenant. It was as well that the Committee should understand at the outset that he was not in favour of giving to the tenant an absolute and unrestricted right of sale; and he was not in favour of giving him any right to sub-divide his holdings, except under certain restrictions, because he was of opinion that such a right conferred upon the tenant might in future work evil to himself, and evil to the country. At the same time, he considered that the power of the landlord, under all circumstances, to prevent the sub-division of a holding, was detrimental to the interest of the occupier and a hardship to private individuals. It could not be denied that the tendency of the landlord class had been to take into their possession, on all possible occasions, land from which the tenant had been evicted, and there had also been a tendency on every occasion when there was a sale to amalgamate the farm about to be sold with the adjoining holding. To a limited extent he believed that both of these objects were perfectly legitimate; but, at the same time, he knew that they had been carried too far, and that there had been an amount of amalgamation and an amount of depopulation throughout the country for the purpose of consolidating farms that had been exceedingly detrimental to Ireland, and especially to that portion of Ulster with which he was most intimately acquainted. He knew large tracts of land in Ulster in which he could recollect numerous homesteads containing contented, and comparatively prosperous families, on which there was not at this moment the vestige of a human habitation. The old residents had been evicted, and the population had gone away and scattered themselves over the country, the land remaining either in the hands of the owners themselves or of wealthy Scotch settlers. Looking at the statistics in regard to agricultural holdings in Ireland, he might mention that between the years 1841 and 1879, a period of just 38 years, the number of holdings had been reduced by 90,500. Incredible as it might appear, hon. Members not acquainted with the habits of the Irish people, and more intimately acquainted with the agricultural population of England—incredible as it might appear to them—he had no hesitation in saying that among the most contented and prosperous tenants in Ireland were tenants holding farms containing from 12 to 25 acres of land. He knew in his own neighbourhood that some of the best tenants, farming very good land and being industrious sober people, had money in the bank, had sent their children abroad, and even put some of their sons into the learned professions, out of farms of 15 acres for which they paid a fair rent. He had no hesitation in saying that if Ireland were populated now with an agricultural population settled in holdings from 15 and 30 to 40 and 50 acres, it would be a richer country, and a better support to England than it was now with large consolidated farms. He was quite sure that when he referred to the immense diminution which had taken place in the number of holdings, many hon. Members would say, "So much the better." Well, those who said that did not know Ireland as well as he did, because he knew that the towns and villages in the neighbourhood of those depopulated districts, where the commercial inhabitants were once in a flourishing and prosperous condition, were now on the verge of bankruptcy, and that, even as regarded the farmers themselves, they had not available for agricultural purposes the same number of labouring men they had in olden times when the population was more dense; and, consequently, in the management of their farms they were obliged to pay a higher amount of wages than was formerly the case. Coupled with this fact, there was the further fact that since 1841 the increase of farms of above 30 acres was 112,000, made up as follows:—In Ulster, 32,000; Connaught, 19,000; Munster, 40,000; and Leinster, 21,000. There was also this extraordinary fact connected with the system of agricultural holdings in Ireland—that since 1845 the increase of farms between 50 and 500 acres had been 20,314. Now, he did not believe that from the history of any country, and especially from the history of Ireland, it could be authentically deduced that farms of 500 acres were at all practical for the purpose of maintaining a wealthy and a prosperous agricultural population. Those large farms which had sprung up since 1845 were chiefly occupied and used for sheep and cattle. Perhaps some would say a better population than the Irish race. But if he appealed to some of our departed Generals and our greatest Commanders, to speak of the men who had carried the English flag from time to time to victory and glory, he was sure they would not say that it was for the benefit of either Ireland or England that the best blood of the Irish race should be driven to other countries. It was calculated that since the year 1845 there had been 2,000 farms created, ranging from 500 to 5,000 acres in extent, and it was estimated that there was a total of 4,000,000 acres thus appropriated in these large farms which, divided into farms of 40 acres, would give 100,000 additional holdings. He contended that if this land was thrown at once into the market in Ireland it would for a long time appease any land hunger that might exist, and which was, at the present moment, doing so much mischief in that country. He would respectfully suggest to the Prime Minister that there was a class of cases in which the people to which they applied had a reasonable right to sub-divide. They were formerly mountainous districts, and by the industry of the tenants they had been turned into arable land. He knew cases where men—now old men—were years ago farming 50 or 150 or 200 acres of land, which, in numerous cases, were covered with moss and moor and bog. Those men had large families, and they had reclaimed a very large portion of their holdings with the view of settling some of their sons upon them in their own immediate vicinity. No doubt it was originally one holding; but the amount of arable land there now, compared with the amount of arable land there at the beginning of the tenancy, was as 20 to 1. They had reclaimed acre after acre with the assistance of their sons, and he could not see how the interest of the landlord was prejudiced, but, on the contrary, he thought it would be improved, by allowing the tenants to divide a portion of their farms among their sons. The rental would be more secure, a greater stimulus to industry would be given to the entire family, and the extent of the holding would be large enough to afford a tract for more than one respectable son. The power of the landlord capriciously and without reason to refuse such sub-division was a power which in his (Mr. Givan's) opinion ought to be taken from him, provided that his refusal to permit the sub-division was purely capricious, wholly unreasonable, and not founded upon any ground consistent with his own protection or with the good of his estate. He knew there was another class of holdings which he might put still stronger. No ambition of the small Irish farmer was greater or more legitimate than the ambition of procuring farms in his own immediate vicinity for his sons. He had known farmers, particularly on good estates, where the landlord and the agent were respected, and the families lived in comfort at fair rents to save up and hoard money for the purpose of acquiring adjoining land. They were able to purchase farm No. 1; this was done with the sanction of the agent, and the first time they went to pay the rent they got two receipts. That went on for some years, and they were able to purchase another farm and then another. Having three or four farms they got three or four receipts. Then, after a while, at the instance of the agent, the whole sum was put into one receipt, and the rent of the respective holdings was marked on the back of the receipt; but by-and-bye the agent made out a new ledger and consolidated the three holdings, putting them into one, and henceforward the three farms were united. The effect of what the agent did was not appreciated or understood by the tenant; but by-and-bye one of his sons married, and then the tenant wished to transfer one of the farms to him. He accordingly went to the agent and said—"Please to put my son's name into one of the farms." But the agent said—"No, I don't know any such farm." There might have been a new agent or a new landlord who knew nothing of the history of what had taken place, or there might have been a purchaser under the Landed Estates Court after the farms had been consolidated. The agent went on to say—"My policy is to keep up the consolidation of the farms and to keep the holdings as large as possible, and I will not, therefore, permit sub-division." In a moment the hope of a man's life was blighted. His family was unsettled, and all his arrangements were upset; and then, after consultation with his family, the sons found that they were obliged to reconcile themselves to the arbitrary refusal of the agent, and to console themselves with the knowledge that there were fertile plains and wide lands abroad. The result was that, although the tenant was entitled in all equity to restore the farm to its original state of sub-division, he was prevented by the transaction which had taken place, and his sons were lost to the country. Then, he asked, if this was to be a Land Bill dealing with the rights of the tenants, why should there not be some provisions in it to protect cases of this kind? All he wanted was that in regard to tenants with large holdings and land enough to make a comfortable arrangement with their family, and especially where the holdings were originally separated, restricted sub-division should be permitted, and that the landlord should be deprived of the power of putting an unreasonable and capricious veto upon the sub-division. At the same time, he would not place the power of sub-dividing the farms in the hands of the tenant, because he knew that in Ireland there was a tendency towards excess of sub-division; and so great and so foolish was the love of an Irishman for the soil that he would prefer settling his sons on a few acres of land rather than send them abroad. It was only where the landlord unreasonably refused to give his consent to a sub-division that he would bring in the intervention of the Court; and if there was a Court competent to settle questions of rent it ought to have power to dispose of this question also, limited by the proviso that such sub-division should not in any case prejudice the interest of the landlord in the holding. He did not think it would be fair for the tenant to sub-divide his holding, and in this way reduce the chance the landlord had of getting the rent or increasing the compensation for disturbance in case of eviction; but he did think, taking into consideration the size of the holding, its history, and all the surrounding circumstances, that, if the Court should be of opinion that the sub-division would not be prejudicial to the landlord's interest in the holding, it should have the power of giving consent to the sub-division on such terms and conditions as it might think proper. He hoped the right hon. Gentleman, who was so vigorously defending the Bill in its entirety, would, when he came back after the Whitsuntide Recess, be prepared to make some concessions. Certainly, a concession in this respect would prevent great irritation, and would give widespread satisfaction. If reasonable concessions were made, so as to give the tenant the right of free sale and confidence in the Court before which he had to go, and also to extend the number of peasant proprietors, he thought the Bill would be one that was calculated to throw a considerable quantity of oil upon very troubled waters.

Amendment proposed,

In page 1, line 13, after "only" to insert the words "but if the landlord shall unreasonably decline or omit to give his consent to the sale to more than one person, the Court may give such consent."—(*Mr. Givan.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE: I at once commence what I have to say by two admissions—one is that the adoption of a Motion such as this seems to be desired by a very large proportion of the Members from Ireland. I am prepared to make this admission, and the second is, that I think my hon. Friend the Member for Monaghan (Mr. Givan), by the form in which he has put his Amendment, has taken great pains to avoid anything that might be injurious to the interest of the landlord. On the contrary, he has taken great pains to show that he is anxious to maintain as well as he can the interest of the landlord. But the first objection I take to the Amendment is that it is evidently calculated to be injurious to the interest of the landlord. My hon. Friend, in the terms of his Motion, has not only, like hon. Gentlemen opposite, withheld absolute discretion from the tenant, but he also imposes upon the Court the duty of compelling the landlord to sub-divide his property if he unreasonably refuses to comply with the wish of his tenant. Although I think my hon. Friend has laboured with earnestness and sincerity in this behalf, I do not think it is altogether in his power to secure the object he has in view. For example, I am presuming that we shall now adhere to the principle of the Act of 1870, and of the present Bill in this respect—that the compensation for disturbance shall be on a varying scale, and that the amount of compensation for large holdings shall be less than that which is to be obtained for small holdings. But if that is so, there will be very serious difficulties you will have to encounter in breaking up large holdings into small holdings. If it is also provided that the farm, when broken up, shall form the ground for a larger claim for compensation for disturbance against the landlord than would be the case if the holding remained a large one, I do not think it would be possible to make this enactment distinctly compatible with entire justice to the landlord. But, beyond this, there are many other matters involved. Beyond this I urge the argument, which was scoffed at by the hon. Member for the City of Cork (Mr. Parnell), that the privilege which it is now proposed to give to the tenants had been, in a manner, in the contemplation of the tenants themselves. I thought that a serious and a weighty argument; but the hon. Member for Cork ridiculed it, as he was perfectly entitled to do in a Parliamentary sense, and said—"You are giving to the tenants a great many things they had not expected." What we are giving to the tenants by the present portion of the Bill is the privilege of selling their tenant right. Am I to be told by the hon. Member for Cork that that is a new and gratuitous proposition, without foundation in the traditions of the people, in the practice of the people, and in the expectations of the people? [Mr. PARNELL: I referred to a particular class of tenants.] I altogether disclaim all participation in that particular argument of the hon. Gentleman. It is surely one thing to remove restrictions in the disposal of an interest which exists in a certain form under the Land Act of 1870, as was ably shown by my hon. and learned Friend the Member for Christchurch (Mr. Davey), and afterwards in a more definite form, and another to import a privilege that is entirely novel in its character. Then let us see what more is to be said, for there is a great deal more to be said; and I can assure my hon. Friend that if the question did not involve considerations of the gravest character, I should feel disposed to give every weight to the representations of Members for the Irish constituencies in order to meet their views. But let us consider the scope and basis of the Bill. The Bill makes, I admit, two large and serious changes. I do not say they are of equal magnitude, because I do not think they are. The first is that it guarantees tenant right, with respect to which I may say that it is not only established already in very extensive portions of the country, concentrated in Ulster, and dispersed over the rest of Ireland, but that it is also recommended to us by a very great weight of authority from without. The other great change, and the greatest change of all—at least, in my judgment, by far the greatest change of all—is the introduction of the jurisdiction of the Court to fix judicial rents between the landlord and the tenant. In making so great a change as that, and in assigning to a Court the determination of that which is properly and economically, in all ordinary circumstances, far better settled by private agreement, we must consider both the grounds of that recommendation and the limits within which it is made. I hold it to be a matter of the greatest importance—and I would assure the hon. Member for Mid Lincolnshire (Mr. Chaplin), if he were here, that it is not for the purpose of fastening upon him a personal responsibility, but of pressing on the mind of the House the due significance of a great public fact that I have always insisted on—I hold it to be a matter of the highest importance to bear in mind that we have had various authorities, all thoroughly competent and respectable, examining into the state of the Land Question in Ireland, and that these authorities, acting under the sanction of the Crown, notwithstanding differences on a multitude of things, have all unanimously agreed on this—that it is desirable to introduce the jurisdiction of the Court for the purpose of determining judicial rents. If I found myself on their authority, which I think ought to carry immense weight in the minds of reasonable men, I must consider up to what point that weight of authority is to be carried, and I am not entitled to plead that general authority for the purpose of bringing within the jurisdiction of the Court matters which have never been examined or recommended, and matters which I have no right to say are recommendations which have ever been in the slightest degree within the scope of the inquiries of any of the Commissions. Now, my hon. Friend has founded his Amendment upon the mischief which, as he thinks, has resulted from the undue tendency to the consolidation of agricultural holdings in Ireland. I do not pretend to that acquaintance with the agricultural condition of Ireland which would enable me to support the statement of my hon. Friend; but I can well believe it, and I most certainly have the strongest conviction that the landlords of England have committed a great and serious error in this respect within the last 30 or 40 years, and have proceeded on a total misapprehension in assuming that the way to make agriculture cheap and profitable is to make the holdings large. They are now paying the penalty of their mistake, and I have not seen a landlord of whom I have inquired what has been the difference to him in the present distressed state of agriculture between a large holding and a small holding, who has not told me that his losses on a large holding has been far greater than upon a small one. Then, by any fair and legitimate means we can use, we should be glad to promote, if we can, any rational movement in another direction; but that is a question of public policy. It is a question, undoubtedly, of public policy; but it is one we cannot see our way to taking out of the hands of those entitled by law to adopt the measures they think requisite for the management of their own property. We do not think that in making any recommendation at this moment we should have anything to rest upon except an argument, of some weight certainly, but, at the same time, one which has not been sifted in the latest public examination of the facts of the case, which rests on grounds entirely exceptional, and which, when we are attempting to carry a measure which is exceptional in its character, would be greatly enlarging the bounds of the Bill, without having the slightest support from authority. We have made a proposition as to the jurisdiction of the Court. We are now asked to extend the jurisdiction of the Court to the division of holdings through the medium of the regulations for the sale of the tenant's interest. That is, undoubtedly, beyond all question, taking out of the hands of the landlord one of the most distinctive features of the management of his estate. In the distinctions between the position of the tenant and of the landlord, there is none so fundamental as this—that the business of the tenant is with the holding, and the holding alone, while the business of the landlord is with the entire property. If we were to say to the tenant—"You shall, by an indirect process in the management of the estate, have the power of breaking up the holding for other people, and settling for the landlord through the Court what number of tenants he shall have," you would be plainly placing in the hands of the tenant and of the Court together one of the most essential responsibilities which belong to the management of landed property. And why should you stop there? Why not give the Court jurisdiction when similar questions arise in regard to sub-letting? It may be shown that, in some cases, sub-letting would be reasonable and natural. Why is not the judgment of the Court then to come in on the appeal of the tenant to determine whether the land may not be sub-let under given circumstances, and under securities like those which my hon. Friend proposes? But it does not even stop there, for, as far as I can see, I am not aware of any of those incidents which make up the character of proprietorship which we desire to maintain in its efficiency, which might not afford grounds quite as fair and quite as applicable to be brought within the jurisdiction of the Court. I am responsible for the proposals contained in the Bill. I believe in its utility, but I believe in its utility as a means of escape from greater evils, and I am not willing to be a party to its gratuitous extension where there is neither necessity nor conclusive authority to justify such extension. There is one other form of the argument which I desire to put to the Committee. I do not think, Sir, that we can safely overcharge this Bill. I do not think that hon. Gentlemen will be wise if they determine to take advantage of this Bill for the purpose of endeavouring, perhaps at a considerable expenditure of time, to introduce into it everything that they may individually, or that even an important body of them may believe to be the material constituent of a perfect Land Law for Ireland. I hope, Sir, that the Bill is a good ship, and that she carries sufficient cargo. But if she takes much more, and especially in deck loading, I am afraid lest she should founder or capsize. In other words, and in strictly Parliamentary language, let me observe upon what is the true character of our duty when we are dealing with a measure of this kind—the duty, above all, of the Government, but the duty also, undoubtedly, of Parliament. We must not be led by our own ideas of abstract perfection in a measure. If we can frame a measure which is sufficient in our conscientious judgment for the attainment of certain great public objects, the next thing which we have to consider is the balances of forces which it will have to encounter — the propelling forces which we can reckon in its favour, and the opposing forces which it will excite to resist its passing, and thereby defeat our efforts. Now, that has been the most anxious part of the task of the Government in the preparation of this measure. We have, we hope, framed a measure which it is well worth the while of the people of Ireland to accept; a measure which we hope will, without violence, but by a steady process, tend to allay and reduce to comparative insignificance the difficulties that now mar the relations of landlord and tenant. But having done that, and fully believing with my hon. Friends on this side that to have presented a weak measure on a subject of this kind would have been idle fatuity, we are bound then to consider how we can frame such a measure best, and insure, humanly speaking, the assent of the Legislature to it. I cannot conceive a greater public evil than the failure of the measure. But if I have that impression about the failure of this measure, if my Colleagues and myself are anxious to use every effort they can to secure its passing, the first effort is to exclude from the measure all that they do not deem essential to their purpose, for fear that they should needlessly multiply and aggravate the obstacles they have to overcome. That is the first duty incumbent upon us; and it is on that ground, more than on the ground of any special narrow argument, that we are most desirous to exclude from the Bill, and to persuade the Committee and my hon. Friend if we can to exclude from the Bill, propositions which, although they might be useful in themselves, they must admit to be novel, for which they cannot claim any authority extraneous to this House, and which they cannot prove might not, by parity of reasoning, lead to many proposals which would tend to weaken the propelling force of reason and authority which we hope to enlist, and have, perhaps, enlisted in favour of this Bill, and to increase, on the other hand, the resisting forces against which we must be on our guard, and to which, above all, we must take care not to impart, by any act of ours, the appearance of reason. It is on that argument of political prudence that I would almost hope that Gentlemen, who may even attach great value to this proposition, may, nevertheless, be inclined to desist from prosecuting it. At any rate, they will see that it is not from pedantry, nor from indifference to the importance of their objects, but on a deliberate and careful examination of the interests involved in the question, and with the earnest desire to prosecute in the most effective manner the common end that we have in view, that we feel bound to say that we are not able to accede even to so carefully framed a proposition as that of my hon. Friend.

COLONEL COLTHURST said, he believed he expressed the sentiments of most Members from Ireland sitting on those Benches in saying that they were not insensible to the arguments so ably put before the Committee by the Prime Minister. He felt sure his hon. Friend the Member for Monaghan (Mr. Givan) would give those arguments every consideration before deciding on the course to be pursued with regard to his Amendment. Still, he could not help thinking that the right hon. Gentleman had somewhat exaggerated the possible effects which would follow from the adoption of his hon. Friend's Amendment. He could not admit the parity of the cases of sub-dividing and sub-letting. Sub-letting had been in the past, as was well known, and would be in the future, a most terrible evil; and he felt sure there was not a single Member from Ireland who would ask for one moment that sub-letting should be tolerated. As his hon. Friend had clearly and practically put it before the Committee, sub-division in itself was, no doubt, an evil; but he had not asked the Committee to pronounce in favour of it. As he had understood his hon. Friend, he asked the Committee and Her Majesty's Government not to pronounce in this Bill in favour of consolidation—not to pronounce, as it were, indirectly in favour of the system under which grazing farms were established. He appealed to the principle of free trade in land, and to the principle of contract, of which so much had been heard of late, in favour of this Amendment, which would set more land free, and thereby lessen the present land hunger by enabling those in want of farms to get them. But the effect of the Amendment would, after all, be but slight. It would not affect those large grazing farms which his hon. Friend had so well described, except very indirectly. The Amendment would, therefore, have but a limited effect; and he thought that very limitation might induce the right hon. Gentleman, even after all the arguments which he had laid before the Committee, to re-consider the question, and to say that the Government would leave it open during the progress of the Bill, in order to see if, on Report, something could be done in the direction of the Amendment of his hon. Friend.

MR. LEAMY thought, in view of the statement of the Prime Minister that it was his intention to exclude all Amendments extending the operation of the Bill, that it would save a good deal of the time in Committee if some Officer of the Crown would go through the Amendments standing on the Paper, and then state those which the Government would accept; because, from the statement of the right hon. Gentleman, there was every reason to fear that no Amendments of any kind would be accepted. It was very desirable that the Committee should know whether it was the intention of Her Majesty's Government to accept any substantial Amendments. The right hon. Gentleman had admitted that the consolidation of farms in England had worked badly for the landlords; and it was, therefore, only reasonable to conclude that consolidation would work badly in Ireland. Nevertheless, the Prime Minister said it was altogether too much to give the tenant the power of sub-dividing his holding with the sanction of the Court. The right hon. Gentleman admitted that the great majority of Irish Members were in favour of the Amendment; and as he had declined to accede to it, he thought it would be well if Her Majesty's Government would give an intimation as to whether or not they intended to meet all the Amendments put forward by Irish Members in the same way.

Major O'BEIRNE pointed out that the County Court Judges were admitted to be unfit to deal with matters of this kind. For his own part, although he approved of small farms as much as other hon. Members, he could not agree to the Amendment in its present form, inasmuch as it left the question of subdivision to be settled by the Court. He thought that some directions ought, at any rate, to be given that the landlord should receive compensation in cases of this kind.

Mr. GILL thought the Amendment, if it were adopted by the Government, would be found to be most useful. The only argument of any strength contained in the speech of the right hon. Gentleman the Prime Minister was that, by turning a large farm into a number of small ones, the claims for compensation for disturbance would be increased, and that this would work against the interest of the landlords. But he thought that difficulty could very easily be remedied by adding a proviso to the clause that the rate of compensation should remain the same for a portion as for the entire farm. By that plan the landlord's interest would be fully protected, and it would give an opportunity in urgent cases, where the Court thought it was for the good of the locality, to extend to the tenant the permission to subdivide his farm. He trusted the Amendment might still be agreed to by the Prime Minister.

Mr. FINDLATER said, he regarded the Amendment of his hon. Colleague (Mr. Givan) as a step in the right direction, and, therefore, trusted the Prime Minister would reconsider the determination he had expressed not to accede to it. With regard to the argument of the right hon. Gentleman, founded upon the injustice which might be caused by reason of increased compensation in cases when large holdings were divided, he thought the suggestion of the hon. Member for Westmeath (Mr. Gill) would very easily remove the injustice which the right hon. Gentleman feared might ensue. No doubt it would be more troublesome to a landlord to have to collect his rent from several persons than from one; but in the peculiar circumstances of the case he thought the landlord might be fairly asked to make some concession, and to forego the process of consolidation which, at the present moment, was acting so injuriously to the best interests of the country. It was not to be supposed for a moment that the Court would act in any way harshly or unfairly towards the landlord or his interest. The Court would have the power of examining into all the circumstances of each case; and he was quite sure that the Court, which would be appointed by the Government, would be such as to give satisfaction to everyone. If it did not do so the Act would be altogether a failure. Of course, if the Amendment were accepted, some provision must be made for the apportionment of the rent in case the division was allowed by the Court. On the whole, he was quite sure the proposal of his hon. Friend would give great satisfaction to the tenant farmers in Ireland, and would satisfy the people that a genuine effort was being made to promote that general distribution of land which was so much wanted in Ireland.

Mr. BOURKE said, he hoped the Prime Minister would not follow the recommendation of the hon. Member who had just sat down, to disturb the determination already arrived at. For his own part, he was inclined to look at this matter rather from a public point of view than from that of the landlord or tenant. He did so, notwithstanding that the right hon. Gentleman had pointed out that the landlord must, if this Amendment were carried, suffer great injuries. No one could doubt that the effect of the Act of 1870 had been to increase very much the consolidation of holdings. The effect of this Amendment would be to increase the amount of claims for compensation for disturbance. . Again, the tenant might sell only that portion of the tenancy which related to the valuable portion of the land, and then the landlord would retain only the less valuable portion of it. That was another case in which injury would arise to the landlord. He looked upon this point also from a public point of view, and was quite sure that the action of the Land League in such cases as that would be very potent and very quick. There was no doubt that the Land League would call upon all persons who had farms, say, of 100 acres, to apply to the Court for leave to sub-divide their holdings; and, of course, every pressure of the kind that had been but too frequent of late would be brought to bear on holders of larger properties to go to the Court in the same way. The Committee were aware that land hunger expressed itself in various ways; and he could not but think that this Amendment, if adopted, would give it the power of expressing itself very powerfully. The sub-division of land was already a fertile source of family disputes in Ireland. One of the witnesses, among several who gave evidence on this point before the Bessborough Commission, stated that nothing was so fatal to the peace of families and the neighbourhood as that anything like divided ownership should exist—that was to say, divided ownership of the tenancy, which the individual members of the tenant's family could bring pressure to bear upon the father to divide as they wished.

MR. LITTON said, it would be to inflict a great injustice, quite outside the object of the Bill, to place landlords in a position in which they would be exposed to injury. It was manifest that the object of the measure was that the tenant should have security for the improvement of his holding, that he should pay a fair and reasonable rent, and that he should also have the power of selling his interest in his tenancy. That was the object of the tenant right movement—which had never claimed the right of sub-division. Now, he thought that in asking the landlords to concede those points they were asked to concede a great deal, and he did not believe the area of the Bill would be wisely extended by asking for a further concession in the direction of the Amendment of the hon. Member for Monaghan (Mr. Givan). If the Amendment were agreed to, a landlord who had, say, 20 tenants, and whose rents were punctually paid, might have the number of his tenants increased to 100, because there was no limitation in the proposal of the hon. Member as to the amount of subdivision which might take place, and in that respect the Amendment before the Committee went far beyond the intention of the hon. Member for Limerick County (Mr. O'Sullivan), who proposed that the principle of sub-division should be confined to farms of £100 annual value, and to portions of them of not less than £30 annual value. The Amendment before the Committee, therefore, appeared to him more unreasonable than that of the hon. Member for Limerick County; and in the interest of the Bill itself he took the opportunity of stating that his opinion did not coincide with that of hon. Members who supported it.

MR. SHAW entreated the Prime Minister to look again into the question and reconsider it before the Report. For his own part, he was in favour of completely protecting the interest of the landlord; there was no reason why the landlord's property should be cut up, or why he should have 10 tenants on his estates instead of one. He thought the case would be met by adding to the subsection the words—"Except such cases as may be brought before the Court upon reasonable and just grounds."

MR. MARUM reminded the Committee that the late Mr. Butt was in favour of sub-dividing farms exceeding 60 acres in extent into parts of not less than 30 acres and £30 rental. No doubt the question was beset with difficulties; but, at the same time, public feeling in Ireland was very much in favour of the sub-division of large holdings, and he trusted the Government would re-consider the Amendment. He wished to know what would be done in the case of co-partners or tenants in common? There was no plurality clause in the Bill to meet cases of the kind, and he understood that if there were two partners a sale could not be effected.

Mr. O'SULLIVAN said, the Amendment before the Committee was felt by the great majority of Irish Members to be vitally important to the interests of Ireland. In his opinion, without some provision of the kind proposed by the hon. Member for Monaghan (Mr. Givan), the Bill would be practically useless in many parts of the country. Unless the power of sub-division were conferred upon the tenants, many districts of Ireland would, he believed, remain depopulated. It was a mistake to suppose that he and his Friends wanted to see farms established of 5 or 10 acres. They wanted to see farms of about 30 acres, on which a man and his family could live comfortably; and it was a well-known fact that there were farms of even 20 acres in Ireland on which the occupiers were more independent than on large farms of 200 and 300 acres. The Prime Minister had certainly advanced no argument of sufficient strength to sustain his objection to this Amendment. After saying there was no necessity for the change proposed, the right hon. Gentleman stated that the Bill would be overcharged by bringing forward the Amendment; but he appealed to him to say whether this was not the first Amendment that had been brought forward by an Irish Member, with the exception only of that which he (Mr. O'Sullivan) had moved on the previous evening, and which dealt with the same subject. He and his hon. Friends had not the slightest wish to impede the progress of the measure; but unless some proposal was made by the Government they would feel it their duty to press this question to a division.

Mr. CALLAN believed that sub-division and sub-letting had been for many years the curse of Ireland; and, feeling very strongly in favour of the Bill, he should certainly vote against the Amendment of the hon. Member for Monaghan if it went to a division. He suggested, however, that the Government should add to the sub-section the words "unless to occupiers on the same estate." It could not be said that this would increase the number of the landlord's tenants. On the contrary, the number would be diminished by the circumstance that the tenancy would be purchased by tenants already on his estates. It would tend to consolidate the farms, and he was in favour of that. Therefore, he hoped the Government would take into consideration the making of a special exception in favour of tenants on the same estate.

Dr. LYONS thought there was a considerable amount of misapprehension existing as to the extent to which very large tracts of land in Ireland were held as single holdings. Anyone who consulted *Thom's Directory*, which was an excellent authority on agricultural statistics, would find that the number of holders of farms from 50 to 100 acres was 56,513, and of farms from 100 to 200 acres 22,223. The next in order, 8,296, was the number of the holders of farms from 200 to 500 acres; and there were only 1,546 holders of farms in Ireland which exceeded the latter number of acres. Considerably more than half, very nearly three-fourths — namely, 414,261 of the farms were of and under 30 acres. The Prime Minister having pointed out that an Amendment of this kind would have the effect of overweighting the Bill, and, to some extent, risking its prospects, he trusted the hon. Member would not press the matter to a division.

Mr. PARNELL hoped his hon. Friend would not withdraw his Amendment. The test which the hon. Member for Dublin (Dr. Lyons) had applied to this subject was not a correct one. He thought it would be well that, at least, a very large proportion of the land of Ireland, which was in the occupation of the 1,000 tenants whom he described as holding over 500 acres each, should be made available. Many of those men held over 5,000 acres; and he considered it of the utmost importance that power should be given to the Commission, or the County Court Judges, to arrange for the sub-division of those large estates for the purpose of getting the industrial population of Ireland on the land. This was at the root of the question. Ireland would always be poor until they enabled the bone and sinew of the country to work on the land; and if they started by removing a large proportion of the land from the possibility of the people getting on it, they would establish a system of entail which would bring about the most disastrous results. The Prime Minister had warned the Irish Members that they were undertaking considerable responsibility in pressing Amendments on the attention of the Government which were likely to overweight the Bill. It was, he thought, necessary to come to some understanding on this subject, because he was sure that no Irish Members desired to press any Amendments on the Government which had no chance of being accepted. Many people in Ireland had been under the impression that there was a good chance of having the Bill materially amended in the direction indicated by the Catholic Bishops of Ireland in their recent pastoral. He himself had never had very much faith in that; but surely they were only occupying the time of the House uselessly by continuing to move Amendments which the Prime Minister could not entertain favourably, and which he looked upon in advance as being within the class which were likely to overweight the Bill. It would be better, therefore, to ascertain what were the Amendments which the right hon. Gentleman considered could be entertained without running the risk of defeating the Bill. The right hon. Gentleman had put his position very plainly before the Committee. He admitted that Irish public opinion was overwhelmingly in favour of the principle of the Amendment of the hon. Member for Monaghan; but he pleaded weakness, that he had not force sufficient to carry this Bill through Parliament in a stronger form than it was at present, and that he should, by accepting the Amendment, run the risk of defeat from his own supporters in "another place." This might be an excuse for the right hon. Gentleman passing the Bill in its entirety; but it was no excuse for Irish Members to accept it. It would therefore clear the way, and save an infinite amount of time, if they could have some knowledge or intimation as to which of the multitudinous Amendments on the Paper the Prime Minister was able to accept. The Irish people would then know whether they ought to prepare their minds to accept the Bill in its present imperfect condition. For his own part, he should consider himself bound, after having placed his views before them, to take the course which he considered to be right, whether they accepted the Bill or not. But here was an Amendment supported by the almost unanimous opinion of Irish Members, and the Prime Minister was obliged to admit that English public opinion was so weak behind him in support of the Bill that he dared not accept it. There was no doubt that the right hon. Gentleman would plead the same excuse for rejecting other Amendments; and, therefore, he hoped Irish Members would not, for want of intimation on the part of the Prime Minister, be put to the necessity of wasting the time of the Committee by moving Amendments which he could not accept. Although the Prime Minister had exercised his remarkable skill in trying to show that the Amendment was not a good one, he had never seen him less successful in making out his case. He must have thought that some additional right was being asked for the Irish tenants. But Irish Members were only seeking to elevate the tenant's right which the Government had introduced into the Bill. While the landlord was allowed to consolidate his estate the tenant was deprived of the power of selling his tenant right to more than one person. He could not conceive the slightest reason for such a limitation. Those in favour of the Amendment had upon their side the authority of the late Mr. Butt and Professor Baldwin, who recommended that something should be done in this matter. The latter declared that it was absolutely necessary that some steps should be taken for the purpose of bringing back the population of Ireland to the land.

Mr. BIGGAR remarked, that the Prime Minister had stated that one of the clauses of the Bill appointed a very powerful and important tribunal, which was to fix the rent of holdings in Ireland. But when this Amendment came forward the right hon. Gentleman also said it was not desirable to give similar powers with regard to the question of sub-division of particular holdings. Now, it seemed to him that if the Prime Minister thought it legitimate to give such an amount of power to this tribunal for the purpose of fixing rents, it would not be giving an unreasonable amount of power to allow the Court to decide the cases in which sub-division should take place. Because the number of sales which would take place in Ireland during the present generation could not be very great, and of those a very large proportion of the tenants would not wish to sub-divide their holdings. Therefore the number of instances in which this question would arise would be anything but large. On the point he had referred to, then, he did not think the Prime Minister had made out any case. Again, the right hon. Gentleman had said that this Amendment would overcharge the Bill. But it was not the Amendment that would overweight the Bill—it was the Prime Minister, who first gave authority to the tenant to sell his interest, and placed upon the tenant's right of sale a number of restrictions which would render it almost useless. The right hon. Gentleman had introduced into the Bill two subjects of great importance—emigration and the reclamation of waste land—which were really unnecessary for reforming the relations between landlord and tenant. He could not help thinking that if the right hon. Gentleman threw overboard those parts of his scheme, he would very much lighten the ship and give an opportunity for the discussion of substantial Amendments to other parts of the Bill. The result of refusing this Amendment would be that ultimately there would be none but large occupiers in Ireland, and that, in consequence, the population would be driven off the land. That, as was perfectly well known, was directly contrary to what competent authorities believed to be for the interest of the people of Ireland. The Bill as it stood was, therefore, calculated to intensify the evil which now existed. He contended that the people should be allowed to sub-divide their farms down to a certain point, because it was clear they would not do so unless it was proved by their experience that they could get more money for their holdings in several portions than by selling their interest entire. He thought the Government should weigh this question thoroughly, and agree to the Amendment of the hon. Member for Monaghan.

Mr. BYRNE said, that, up to the present time, he had not spoken either for or against the Bill. Nor had he addressed the Committee upon any of the proposals which had been the subjects of discussion. That, however, was no reason why he should not, to the best of his ability, support any Amendment which he conceived to be good, or, on the other hand, oppose such as he considered to be bad. He thought the Amendment before the Committee should have received the support of the Government, and he was astonished when he found that the Prime Minister not only did not support it, but actually went the length of opposing it. It appeared to him that the Government were jealous of giving to the future tenant what he held to be nothing at all. They already, in Clause 20, gave power to the Court to purchase estates and sell them in parcels to the tenants, and yet they refused to the tenant the power of applying to the Court to sell his interest to more than one person. He thought the Government were drawing the line at almost nothing, and that the limitation imposed upon tenants not to sell their tenancies to more than one person would have a very injurious effect. Within his own knowledge there was a gentleman in Ireland who farmed so many acres of land that he was obliged to keep a horse for the purpose of carrying him over his farm. He hoped the right hon. Gentleman would take time for further consideration, and that he would not refuse to accept the Amendment before the Committee, otherwise it would be the duty of Irish Members to resist the passing of the clause.

Question put.

The Committee *divided*:—Ayes 38; Noes 206: Majority 168.—(Div. List, No. 228.)

Mr. BIGGAR said, he proposed to add at the end of line 13 the following words:—

> "Unless when the yearly value of the holding exceeds £30, and so that neither the part sold nor the part remaining shall be of less value than £15 per annum."

He had no doubt that the Amendment which had been proposed by the hon. Member for Limerick County (Mr. O'Sullivan) would have worked well in the county represented by the hon. Member, where, he supposed, there were many large farms; but the proposal would be of no use in Cavan and other counties with which he (Mr. Biggar) was acquainted. He was not disposed to give his adhesion to the proposal to leave this question of sub-division to the decision of the tribunal appointed by the Bill, because he thought that every farmer should have authority to dispose of his interest in whatever way he might think best. By the Act of 1870 it was declared that a certain interest in his holding belonged to the occupier; and, therefore, seeing that the occupier had that right, he failed to see on what grounds he was now refused the liberty of selling it to more than one person. If it could be shown that this power of selling to more than one person was calculated to injure the interest of the landlord, that contention would, of course, be entitled to its full weight, and he should not consider himself in a position to defend the Amendment he was about to propose; but he held that it would in no degree lessen the security of the landlord, because it was well known that small holdings would sell at a higher rate of purchase and rent than larger holdings. Although his Amendment proposed a minimum of £15, the actual limit would probably be from £20 to £30, because holdings exceeding £30 in value could hardly be divided with perfect equality. No doubt there would be difficulties in the way of an exact sub-division of farms.

And it being ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Monday* 13th June.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

QUESTION.

STATE OF IRELAND—DISTURBANCES AT QUINLAN'S CASTLE, NEW PALLAS, CO. LIMERICK.

MR. WARTON asked Mr. Solicitor General for Ireland, the only Member of the Government he saw present, Whether any recent news had been received as to what was taking place at Quinlan's Castle?

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he was not at present in charge of the Irish Office or of the Irish Business in that House. He had not had an opportunity of seeing his right hon. and learned Friend the Attorney General for Ireland since the Sitting was suspended; but he was sure that when he arrived he would satisfy the inquiry of the hon. and learned Gentleman.

ORDER OF THE DAY.

IRISH EXECUTIVE.

MOTION OF CENSURE.

ADJOURNED DEBATE. [THIRD NIGHT.]

Order read, for resuming Adjourned Debate on Question [23rd May], "That the Debate on Question,

> 'That, in the opinion of this House, the action of the Irish Executive in arbitrarily arresting a Member of the House without reasonable ground; in proclaiming a state of siege in Dublin; in imprisoning the Rev. Mr. Sheehy and many other men of high character and good conduct; and in affording the use of the armed forces of the Crown for the wholesale execution of wanton and cruel evictions is an abuse of the exceptional powers conferred by Parliament; and is calculated to promote disaffection in Ireland.'—(*Mr. Justin M'Carthy,*)

be now adjourned."

MR. T. P. O'CONNOR said, that in the rapid pace at which events were marching in Ireland the situation was in some degree modified from what it was when the Resolution of his hon. Friend the Member for the County Longford (Mr. Justin M'Carthy) was moved. The facts upon which he meant to rely were admitted by the Chief Secretary for Ireland, and were thus left to public judgment. One of the most prominent statements on the other side was that Dublin had been proclaimed to be in what they called a state of siege for the purpose of arresting Mr. Dillon. The Executive were thus ready to sacrifice the Constitutional rights of 300,000 citizens in order to reach the individual speaker of a single speech. It was true that the Chief Secretary for Ireland found some fault with the use of the phrase "a state of siege," and drew comparisons between what that phrase meant on the Continent and in Ireland. He (Mr. T. P. O'Connor) would maintain that practically it meant the same thing; but he claimed that the standard of comparison which they had a right to set up in the matter of Constitutional liberty in Ireland was not the standard of Continental despotism, but of the rights of British law among British citizens; and he maintained, judging by that standard, that the deprivation of 300,000 citizens of their Constitutional rights for the purpose of reaching one man was a gross violation of Constitutional rights. With regard to the Police Circular, they had the admission of the Chief Secretary of its authenticity and purpose. He (Mr. T. P. O'Connor) would sum up the issue of that point. In the first place, the Irish Party did not challenge the statement that outrages, even gross outrages, existed, and did not charge the Circular, as the Chief Secretary suggested, with manufacturing outrage. Their charge was that it manufactured and suggested, not the manufacture of outrages, but the manufacture of suspicion. Next, the right hon. Gentleman contended that the phrase "leaders and instigators of popular movements" was intelligible. The right hon. Gentleman explained that a popular movement, as understood by this Circular, was not a popular movement in the ordinary acceptation of the word—a movement merely for the securing of public rights—but a movement for the securing of unjust ends by illegal means. He (Mr. T. P. O'Connor) wished to point out that it was not to his mind, nor to the minds of active politicians, whether of popular or unpopular opinions, that this Circular was addressed. It was addressed to policemen putting a Coercion Act into force; and, practically, there was no distinction in the mind of policemen in such a condition between a movement which was popular and Constitutional and a movement which was popular and illegal. The effect of the Circular was not to establish, but to confuse, the distinction between popular and unconstitutional movement, and to induce the policemen to regard, or to reasonably suspect, every popular agitator as being an abettor and inciter of agrarian outrage. And, finally, the charge still remained unanswered that, in a document approved by a British Minister, deliberate mendacity was recommended. The Circular was an eloquent testimony to the steady demoralization which a false position exercised upon even a truthful nature. He (Mr. T. P. O'Connor) ventured to say that 12 months ago no man in that House would have shrunk back more indignantly from the contemplation of any participation in such a Circular than the man who now admitted his responsibility for it. They were told by the Prime Minister on the first stage of the Coercion Bill that the right of association even for the purpose of inducing people to break contracts would not be touched by the Coercion Bill. They knew very well what he was hinting at—that the Land League organization, even when it proceeded to that extent, would not be interfered with by coercive legislation. The Common Law remedies would remain the same. But had the Common Law been left to deal with such cases? Several of the warrants — he believed that against Mr. Kettle, for instance — described the offence as endeavouring to induce people not to pay their rents—in other words, to commit the Common Law offence of breach of contract. The practical operation of coercive legislation was in distinct and violent contrast with the declarations of the Prime Minister. The Solicitor General for Ireland, in the gush of his innocence, ventured to predict what would be the operation of the Coercive Acts when passed. What did he say? In his Arcadian dream of the future he anticipated that the number of persons imprisoned would be "one;" but they now amounted to something like 120. With these facts before them, he asked had coercive legislation been obtained under false pretences or not? As to the kind of persons who would be arrested, the Chief Secretary described them as "dissolute ruffians," "village tyrants," "*mauvais sujets*," and "midnight marauders." "Dissolute ruffians!" A Catholic clergyman, of unimpeachable character, was he a specimen? "Village tyrants!" His hon. Friend the Member for Tipperary was among their "suspects," towards whom the feeling of the people of Ireland was not that he was the "tyrant of a village," but one of the saviours of a nation. "Midnight marauders!" No; but public speakers on public platforms in the light of day attended by Government reporters. The letter which had been written by Mr. Dillon to the Speaker declared distinctly that he was coming to that House to state the case of his constituents and a large section of the Irish people when he was arrested. The Chief Secretary for Ireland almost said, or suggested, that if he had known Mr. Dillon was coming over for that purpose, he would not have arrested him. Now, that was proved on the best evidence, the evidence of Mr. Dillon himself; and the Chief Secretary, as a man of honour, was bound to order his release, in order to enable Mr. Dillon to discharge his duty to his constituents and that Assembly. There could be no doubt that some portions of Ireland were in a state of considerable disturbance; that outrages were frequent and sometimes revolting; but what he asked the House to understand, as a necessary distinction towards a true comprehension of the situation in Ireland, was that there was a vast difference between what he might roughly call disturbance and what he would call outrage. He would class as outrages a murder such as the brutal murder in the County Galway, or a midnight visit, or the houghing of cattle. Such things as these were pure terrorism and inexcusable crime. But what he would call disturbance was the tumult or the riot that took place when an eviction was being attempted. It would be altogether erroneous and unjust to put such disturbance in the category of outrage. The provocation came from the evicting landlord; the disturbers, acting in the light of day, and not in the secretness of darkness, accepted the risks of their action; and the disturbers were men fighting for their cabins, their fields, and their children. If any loss of life occurred as the consequence of eviction attempted and eviction resisted, before we could lay any responsibility on those who resisted, we must be satisfied of the justice of the attack. Let the House dismiss from its judgment the utterly erroneous impression that the disturbance, which was the result of attempted eviction, was mainly the work of the Land League organization. The movement had gone on of itself, because its causes lay deep in the social conditions of the Irish people. Men and women did not face the risks of collision with armed soldiers and police in obedience to any eloquence, however persuasive. Were the evictions just or unjust? That was the question to ask; and if the evictions were unjust, the evictors were the originators of disturbance and the persons criminally responsible. At the Morning Sitting the Prime Minister gave an example of what appeared to him a case of the refusal of a fair rent by solvent tenants on the estate of Lord Kenmare; but Lord Kenmare was only one of the many evicting landlords whose names were mentioned. What of the Earl of Arran, another of the evicting landlords in the list quoted? Read the evidence on the management of this estate given before the Royal Commissioners by Professor Baldwin, a Government official. There was a case on that estate of a farm on which there were three changes of tenancy in two years, with an increment of 25 per cent on each change, which, as Professor Baldwin showed, amounted to an increase of 95 per cent on this one farm in the course of two years. In another case, the rent being £6 10*s.* 6*d.* in 1860, was raised, by successive increases, until in 1869 it had reached the sum of £12 13*s.* 2*d.*—that is to say, in which the rent was doubled in the course of nine years. Take the other case which he mentioned at Question time—the case of the Arranmore Island, in which the *Goshawk* was employed in carrying the police to serve ejectment notices. According to Father Walker, the people were, through the combined influences of the failure of the kelp trade, of the potato crop, and he believed also of the labour market in England, in a condition of deplorable want. Rents had been raised in one case from £81 to £182 0*s.* 4*d.*, the Government valuation being £72 5*s.*; in another from £36 18*s.* to £71 18*s.*, the Government valuation being £37 3*s.*; and the abject misery of some of the inhabitants was such that a case was given by this clergyman of a whole family sleeping in one bed, without distinction of sex, for want of clothing. The statement, in answer to Father Walker, by Sir William Charley was on these points, he found, not contradictory, but confirmatory. What added a sardonic element to this tragic spectacle was the fact that the *Goshawk* was employed last year in the distribution of food to the semi-starved population of these same isles. The distress on these isles had been described by everybody who had visited them as extreme. The question remained whether this distress was general. He would not then argue the question whether or not a tenant who was able to pay an unjust rent was or was not justified in refusing to pay that rent because of his desire to help his poorer brethren, and to fulfil what he considered the highest class of social comradeship and common citizenship. He would not argue that question, because he did not wish to overload his case, and because he submitted that the Government, in justification of their proceedings, were bound to show not merely that some such cases existed, but that they formed a large proportion of the persons against whom eviction processes were being carried out. Therefore, the real point upon which he had to decide was, not whether there were some tenants who could pay rent and would not, but whether the distress and inability to pay rent was general. Let them see what were admitted facts on that point. It was admitted that there were three bad harvests, and it was not contended by any person acquainted with Ireland that one good harvest, admitting that of last year to have been good, was sufficient to restore the fortunes of the tenants whom three bad harvests had prostrated. He came next to a second point, which would be admitted by hon. Members on the Conservative Benches, that the depression in agriculture had been largely aggravated by what one of themselves, the hon. Member for Mid Lincolnshire (Mr. Chaplin), called "relentless foreign competition;" and, thirdly, Members on Liberal Benches would allow that it was an injustice to drive out these tenants, without any compensation, because of an inability to pay an unjust rent; but assuredly he was wasting his time in entering into a prolonged argument to prove to the present Ministry that inability to pay rent was general. Were not the Ministers the authors of the Disturbance Bill of last year? And were they not as such in this perplexing dilemma—either the inability to pay rent was general, or the Disturbance Bill of last year was supported and carried on false pretences? Deny the universality or, at least, the prevalence of distress, and, therefore, inability to pay rent; and what unmeaning, and even mendacious, words were those as to sentences of evictions being almost equivalent to a sentence of starvation, and all the other eloquent, but to our minds unexaggerated, pictures of Irish rural life which they heard from the Treasury Bench last Session. Her Majesty's Ministers could not escape from those statements and acts of their own; and those statements and acts irresistibly prove that the large majority of tenants against whom eviction was decreed were not unwilling, but unable, to pay rent. The recent Return on evictions proved that the numbers of threatened evictions reached what, without exaggeration, he might call an appalling total. At the last Easter Sessions alone the number of decrees obtained was, according to the Return, 3,003. There were, besides, 91 decrees of ejectment from the Superior Courts. That made a total of about 12,000 people threatened with eviction; but mark this. As he understood the Return, it took no account of the actions against tenants brought for the recovery of debt—that was to say, the actions which enabled the landlord to sell out the interest of the tenant, and to deprive him of all benefit from the Act of 1870, or the Land Bill that was now before the House. Let him point to the fact that these actions, as the collisions between the Emergency men and the Land Leaguers showed, had become one of the most common form of proceeding against the tenant, and accordingly they must set down a large number of tenants as threatened with eviction in this shape. Putting all these things together, ejectment decrees from the Quarter Sessions, ejectment decrees from the Superior Courts, and actions for the recovery of debt, he thought he was within the limit in saying that between 15,000 and 20,000 people in Ireland were now threatened with becoming what the Prime Minister described as houseless and homeless, without hope and without remedy. What, he (Mr. T. P. O'Connor) asked, in the name of the Irish people, was to become of those hapless creatures? The Government asked the Irish Members to "Bid them obey the law." What did that prayer mean but a request that they should ask them to allow themselves to be driven, without hope and without remedy, from their homes, because they were deserted by a Government supposed to be anxious for the "protection of life and property;" were they to abandon the means of protection which their own efforts supplied to them? What were the Government going to do, he asked, and all Ireland asked, for these people? The prayer came to the Government not merely from desolate hearths and threatened homes, but from desperate men and women, driven to the poor means of self-preservation at their disposal. The demand came from the representatives of all sections of popular opinion in Ireland—from moderate as well as from extreme men—from a Prelate like Archbishop Croke, from an organ so moderate as *The Freeman's Journal.* The Government told them that this Bill would better their position as tenants. They would have ceased to be tenants by the time the Bill had become law. Could anything be a more cruel mockery than to bid these people hope with the bailiff at the door and the crowbar already on the roof-tree, while the Government measure crept along at a pace more slow than that of the Alexandrine. The Conservative and Whig Obstructionists of this measure might propose frivolous and dilatory Amendments, might waste time in the repetition of imbecile fallacies, but meantime their fate advanced towards them with the speed of lightning on the swift wing of landlord hate, and the Ministerial position was that of aiding in this work of destruction by soldiers, sailors, and police, charges of cavalry, threatened bombardment, and by gunboats; and by way of making the course of the tenant still more helpless, they imprisoned everyone who dared to raise his voice on behalf of the oppressed. The future was dark and dangerous; but it was made so by the relentless avarice of many landlords and the criminal neglect of the Government. The landlords were the perpetrators and the Government were the aiders of outrage and the abettors of disturbance.

MR. SPEAKER said, that when the Sitting was suspended last Tuesday the House was discussing the Motion for the adjournment of the present debate. He would suggest that that Motion be withdrawn, in order that the debate might be carried on upon the Main Question.

MR. PARNELL asked, on behalf of the hon. Member for Limerick (Mr. O'Sullivan), who was not present, to be allowed to withdraw the Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Original Question again proposed.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that the hon. Member for Galway (Mr. T. P. O'Connor) had put himself forward as a champion of a Constitutional agitation which had conferred immeasurable benefits on the tenantry of Ireland, and he understood that the complaint of the hon. Member was that the Act for Protection of Life and Property had been put in force to repress that Constitutional agitation, and that leaders of Constitutional agitation who had committed no crime had been arrested and were now incarcerated. Now, he held in his hand a Return which every Member had in his possession. Some of the apostles of this "holy and sacred cause" of defending their holdings, as the hon. Member had called it, were there recorded, and he found, commencing among the last on the list was one Patrick Ryan, and the advantage that he had conferred upon his country—at the instigation of agitators, as he apprehended—was recorded thus:—"Murder, committed in a prescribed district, and for an act of violent conduct tending to interfere with the maintenance of law and order"——

MR. T. P. O'CONNOR said, his statement was, that among the persons arrested under the Act were those whose only crime was that of having taken part in a Constitutional agitation. He did not say that all the persons arrested were of that character; but he repudiated the statement that the organization of which he was a member had anything to do with murder.

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, he was glad to hear that the hon. Member only countenanced some of the persons who had been arrested; and he was sure that there were some whom the hon. Member would not seek to protect. Taking the next case promiscuously from the list, he found the man was arrested because he was suspected of having committed murder in a prescribed district. As far as he had an opportunity of examining the Return while the hon. Member was speaking, he found that of the whole number of 54, eight were charged with murder, or incitement to murder, as categorical offences; two with treasonable practices, and nine with having broken into dwellings and beaten the persons found inside, stolen their arms, or fired at them. The hon. Member would hardly attempt to vindicate persons of that kind as having been engaged in a Constitutional agitation. It was not necessary to go in detail through the Return; but, he would ask, could anyone who read the public newspapers of the day suppose that this agitation, this "holy and sacred resistance" as the hon. Member called it, was limited to those who were unable to pay their rents? How often did hon. Members read in the newspapers of sheriffs' sales in which military and police were engaged in protecting persons from injury; and how, after the cattle, or other goods, which the sheriff had seized were put up for sale, the principle was said to be vindicated, and the tenant paid the rent straight off? Surely such cases, and they were of nearly daily occurrence, were not cases of inability to pay rent. No matter how deplorable the condition of persons, nothing could justify outrage. He would give the outline of a case which happened on the 26th of April, two days after the speech of the hon. Member for Tipperary (Mr. Dillon), the necessity for whose incarceration no one regretted more than he (the Solicitor General for Ireland) did. The wife of a man who was murdered gave this narrative upon her oath—

> "I and my husband were in bed. I heard a noise. A party of men broke in the door. They went into the bedroom, which was dark. When they came in they went over to the bed in which I and three of my children were lying. I called out. They went over to the bed in which my husband and son Martin were lying. They told my husband to rise and come out. He said he was sick. They said he must. They caught and pulled him out of bed. They took him out of bed, and laid him on the stones outside. They came back into the room, and took my son Martin and laid him on the stones. When they had taken the two out of the house they began shooting. I was standing at the bedroom window. After the men went away, I went out, and saw my husband and my son Martin lying dead on the flags."

If that was the way in which those who had influence among the people exerted that influence—not in redressing wrong, not in alleviating suffering, not in distributing charity, but in instigating crime and outrage, he thought conduct of that kind could not be too severely condemned. He would not weary, or he might say outrage, the feelings of the House with the narratives before him of other crimes. Nothing could be more cruel, nothing more heartless, than that to which he had referred, and he hoped there was no Member of that House who would seek to justify a proceeding of that kind. He put it to the common sense of any person who read journals of the day whether the present state of Ireland was not attributable to the action of the Land League? He did not mean to say that that was their object. He said it was the result of their action. Was there not a frightful load of responsibility lying at the doors of those who were answerable for what was recorded in the daily papers? Was there any hon. Member in the House who would say that, so far, the Irish Executive had been too anxious or too vigorous in trying to repress these mischiefs? Those with whom this agitation originated, and by whom it was maintained, were unable in the present state of the agitation in Ireland to cope with the mischief that had arisen. It was like the story in the *Arabian Nights;* it was easy enough to uncork the bottle and let out the genie, but perfectly impossible to shut him up again. It was easy enough by violent speeches, by irritating topics, to lash a suffering people—and many of them had suffered, and were still suffering—into frenzy. What we had to deal with was a state of things like that mentioned in the House to-day, in which shots were deliberately interchanged between the peasantry of Clare and Her Majesty's Forces and the Constabulary. In that state of things, was it not necessary that the Executive charged with the preservation of peace and good order, should exercise to the utmost all the powers with which they were invested by the law? If the whole Army were employed in preventing these outrages, he could not think their services would be misapplied. He was a very subordinate Member of the Government; but he thought that if a Government, who saw such a state of things going on, did not exercise to the utmost the powers with which they were invested in trying to prevent bloodshed, or crime, or outrage among the peasantry of Ireland, it would incur a grave responsibility, and would not deserve to retain the power or be charged with the duty of keeping peace and good order in the country.

Mr. A. MOORE said, he fully recognized the very great difficulty of the situation in which the Government were placed. On the one hand, landlords were pressing, possibly in some cases with undue harshness, for their rents for the very means of existence, and, on the other hand, a large portion of the tenantry was excited and unsettled, and the more unsettled by the very fact that the Land Bill was undergoing discussion by the House. It was a thankless position to have to stand between those two bodies. He was always sorry when he saw the Chief Secretary for Ireland abused and upbraided in the House, He thought that any man who looked back upon the right hon. Gentleman's career and remembered that his first essay in public life was the contribution of relief to poor perishing peasants in the West of Ireland, must know that the right hon. Gentleman could feel no pleasure in sanctioning the use of the military force of the Crown against these Irish tenants at the present moment. With regard to the hon. Member for Tipperary (Mr. Dillon), he would be very glad if some arrangement could be come to whereby that Gentleman, who was an honourable, courageous, and straightforward man, could be restored to the discharge of his duties in the House. Such a thing had been heard of as the release on parole of Smith O'Brien. He could assure the House that the Irish people looked upon John Dillon as a second Smith O'Brien. With regard to the arrest of Father Sheehy, he would remind the House of the seriousness of arresting a Roman Catholic priest in Ireland. If the Roman Catholic clergy had not taken part in this agitation, they would have had loss of life to an enormous extent. The ground would be red at this moment with the blood of British soldiers and civilians. He could not at all justify the actions or language of these gentlemen. He hoped that some arrangement could be arrived at, honourable to the Government and to themselves, whereby Mr. Dillon and Father Sheehy could be liberated from prison. If that course were adopted, he thought it would to a great extent allay the bitter feeling which unfortunately prevailed in Ireland. Seeing, however, what the Government were doing in that House, he could not bring himself to be a party to a Vote of Censure upon them, and therefore he should divide against the Motion.

Mr. J. COWEN said, that whenever the state of the administration of Ireland came up for consideration in the House it was customary, as had been done by his hon. Friend near him, to remind them that the responsibility of Ministers was heavy, the duties distracting, and appeals were made to the friendly forbearance of their critics. He admitted the disturbed state of the country—that was all too palpable to everyone. He admitted, too, that this disturbance had taxed the temper, the capacity, and the resources of the Executive. But the force of the *ad misrecordum* plea put in from Ministers was mitigated by the fact that they were in a large measure the authors of their own difficulties. They had been warned long and often that the rusty instruments of repression that they were so laboriously refurbishing would break in their hands and wound them. But they had heeded not the warning. And as for the thickening troubles, why, no body of men ever made such frantic efforts to enter Office as the present occupants. The legitimate weapons of Party warfare were sometimes, to secure that end, illegitimately wielded. He had no doubt that Ministers had found that the pleasures of possession were not equal to the pleasures of anticipation. It was not very Christlike, but he feared it was very human, for their opponents to mete out to them the same measures that they had meted out to their opponents under other circumstances. What were the reasons assigned by the Government for demanding coercive powers? He did not wish to put extracts from the speeches of Ministers in juxtaposition with their works. That had been done with damaging effect by hon. Gentlemen opposite. He would take the general spirit and substance of their statements, and test them with their performances. The contention of the Cabinet was that there had been established in Ireland a "social terror" and agrarian tyranny—that the law of the land had been superseded by the law of the Land League; that the new law was enforced by gangs of desperadoes and miscreants; that the despotism that these men had set up, partly from love of gain and partly from love of mischief, was hateful to the people generally, but they were unable to free themselves from it. It hung like a horrid nightmare over the land, and they could not shake themselves clear of it. The Irish Secretary said he knew these marauders, or at least his police knew them. Although noisy, they were not numerous; and if Parliament would only give him the power to lay hands on them at once, and, without the inconvenience of a jury, put them in a place where they would cease from troubling, he would promise a complete and speedy re-establishment of law and order. To induce the House more readily to comply with their demands, the Government undertook not to interfere with the legitimate privileges of popular agitation. The Press was to be untrammelled, public meetings were to be held as heretofore, and comment and criticism on the action of the Executive was to be as unchecked in the future as it had been in the past. All that the Irish Secretary wanted was power to impound the miscreants until the social virus with which they had innoculated the population had been exorcised. Parliament only too readily granted these powers. They superseded the Constitution, and established as arbitrary a mode of rule in Ireland as that which existed in Russia. ["Hear, hear!" *and* "No, no!"] He said "Yes, yes!" The law might be more leniently enforced in Ireland than in Russia; but the law as it stood was as far-reaching and uncontrolled in one country as in the other. It could not be too often proclaimed, it could not be too indelibly stamped upon the public mind of this country, that a Liberal Parliament had handed over the liberties of the Irish people to the mercy of an arbitrary magistracy, a vindictive police, and to that vilest and meanest of all created things, a political spy. How had the Executive used their powers? The Irish Executive themselves being the witness, Ireland was more disturbed to-day than it was at the commencement of the Session —more disturbed, indeed, in the estimation of some than it had been for the last half-century. Coercion had failed—failed egregiously, failed disastrously, and, speaking as an English democrat, he would say failed deservedly. The right hon. and learned Gentleman the Attorney General for Ireland—a mild mannered man, and one who was not given to say sharp things, much less unjust ones, of any person, and who was probably well acquainted with the thoughts and wishes of what might be termed the governing classes of Ireland —declared in that House a few days ago that the Irish Executive had lost the confidence of every class in that country. The tenant farmers and the tradesmen, who were largely represented by the hon. Members opposite, were sour, sullen, if not seditious. The less aggressive and more moderate section, who found their spokesmen on that side of the House, although silent, were not satisfied. Even the production of the long-promised Land Bill had ceased to allay the social unrest. Distrust, discontent, disaffection, now, as many times before in the dark ensanguined annals of Ireland, expressed the prevalent sentiments of the people. They had nearly 13,000 gendarmes, an unnumbered list of local police, and one-third of the British Home Army in the country; yet they could not maintain order. The simple recital of these facts was a more eloquent and trenchant condemnation of the present mode of rule than any words could express. The Government had coercive powers. It was possible for them to possess themselves of the persons of disaffected Irishmen. But they could not by such acts win their hearts. They could not gain their affections. They had yet to learn the force of the simplest and oldest of Radical maxims, that liberty alone could banish crime, and that contentment was the best constabulary. The Government had arrested some 130 or 150 persons; but the House only knew the grounds for the arrest of 54 of these. And what did that Return tell them? During the discussions on the Coercion Bill they were assured, with wearying iteration, that it was a common if not a universal practice for the Irish peasants to maim the cattle belonging to offending landlords. The House was led to believe that the peasantry were so barbarous and brutal that they reeked their dislike of individuals on harmless dumb animals. Pictures of this debased and barbarous practice were drawn, and the English people were invited to express their horror and detestation of such savagery. Now, what was the fact? The Irish Government had the power to arrest anyone that they faintly suspected of being guilty of such cruelty. The authorities of Dublin had certainly the will to do that, and what had they done? There had only one person been arrested for a crime of this character, and that person had been released some weeks ago—the case against him being so flimsy and unsubstantial. He referred to that case, as it threw a lurid light on the social condition of Ireland. The man suspected of maiming cattle could not speak a word of English; he did not know who was Prime Minister; had never heard of the names of the Viceroy or of the Irish Secretary, and was even imperfectly acquainted with the existence of the Land League. When taken into custody he had no shirt, no stockings, no shoes, no hat.

The hut he lived in was unfit for human habitation, and there was not a Gentleman in that House who would keep a pig in it. Alone and unfriended, the existence of families in such a condition as this was a reproach to our mode of rule, and a scandal to our system of civilization. Yet all the might and majesty of the British Empire were invoked to drag this unfortunate person from the West Coast of Ireland to Kilmainham, for the suspected offence of cutting off a cow's tail. And their charge, made during the coercion discussions, was that it was a common practice for the Irish peasantry to burn offending neighbours' homesteads over their heads. The Government led the House to believe that arson was as common a crime in Ireland as pocket-picking on an English race-course. Yet in the list of prisoners there were only three who were suspected of this practice. Three too many, he was willing to allow, but three offences—or rather suspected offences—for the whole population of Ireland did not justify the wholesale accusations that were made against the people from the Treasury Bench. Some of the gentlemen that had been arrested—Mr. Boyton, Mr. Harris, Mr. Nally, Mr. Sheridan, and others—were active promoters of the Land League. They had gone from county to county, from town to town, making speeches and establishing branches of that organization. He had no knowledge of the fact, but it was probable that in the course of their proceedings they might have said some hard things of the English Government, and harder things of some Irish landlords. The barrier between law and lawlessness was not a broad one, and they might have broken through it. But it should be remembered that the agitation in which they were engaged was admitted by the Government, and decided by the Law Courts to be legal. The League was striving to amend the law respecting the tenure and occupation of land. The Government allowed that that law required amendment. The Compensation for Disturbance Bill of last Session and the Bill now before the House were proof of this. The Land League had succeeded in creating a state of public opinion which had rendered legislation practicable. If there had been no Land League, as he had said before in that House, there would have been no Land Bill—certainly no Land Bill this year. Remembering, therefore, the success of the League in promoting Government measures, and its legality, some allowance should be made for the persons engaged in it. There never had been an agitation without exaggeration and extravagance, and there probably never would be one. When men got heated in such work, they insensibly drifted into excesses. All who had had experience in the matter knew this. The Government acted often enough on reasonable suspicion—they might sometimes act with reasonable consideration towards men who had only followed the example and the instructions of many Gentlemen who sat on that side of the House, and some Ministers who, in years past, had been adepts at the work of agitation. They had arrested two newspaper editors. He had taken the trouble to compare the papers of the incriminated journalists, and he would undertake to say that for one sentence of a seditious character, for one paragraph that by any system of legal torturing could be twisted into an incentive to illegal courses that could be found in these Roscommon and Mayo papers, he would find a score of sentences and a dozen paragraphs in newspapers that were published within a stone's throw of Dublin Castle. The coercion net was close enough to catch offending provincials, and it was wide enough to allow their bigger brethren in the capital to escape. The reason was well known. There was no stronger menace to the doings of an arbitrary jack-in-office, like Mr. Clifford Lloyd, for example, than the existence of an independent paper. It was a standing restraint on exacting magisterial magnates. Without that restraint they would be tempted too often to strain their authority in punishing troublesome neighbours. The imprisoned editors had offended in this sense, and hence their imprisonment. The Irish Secretary shook his head solemnly and mysteriously when such statements and accusations were made, and refused to explain. But he (Mr. J. Cowen) had long since ceased to be impressed by Ministerial solemnity. He did not mean the solemnity of the present Ministers, but of any Ministers. At least they were but men, and liable to the common infirmities of mankind; and as to the mystery in which the Irish policy was now shrouded, he had found that the other side of a mystery, either in politics or in daily life, was usually a trick. Not in the list that was before them, but since it had been published, three young men had been arrested. The youngest of them, he believed, was only some 16 years, and the oldest about 20. They were mere striplings. They had been sent to Limerick Gaol, a prison where the Governor was most exacting and overbearing. He believed these youngsters had been guilty of some boisterous or roystering conduct, such as the sons of Ministers, or Ministers themselves in their youthful days, had been guilty of many times at College and school, and at celebrations like Guy Fawkes, and the like. By their proceedings these young men had occasioned some annoyance to a local authority, and they had been sent to prison to annoy their parents, punish the lads, and degrade their families. It was a reflection upon any Government to suppose that its authority would be imperilled or its influence weakened by the hilarious doings of such juveniles. But the majority of the men who had been arrested under the powers of these Acts were respectable and respected tradesmen and farmers. They were leaders of public opinion in their different districts. Many of them were Poor Law Guardians, Town Councillors, and Town Commissioners. They corresponded in social position to the chiefs of their Liberal and Conservative Associations in this country. In this respect the Government had closely copied the procedure of Louis Bonaparte when he succeeded in overturning the Second Republic. He had had not much difficulty in securing his authority in Paris; but he had doubts about the provinces, and Circulars were sent to the provincial *prefets* of the same character as those that had been recently issued to the Irish police. The *prefets* were told that they should arrest the sober, steady, sensible leaders of the Republican party in all their districts. They were to allow the fussy, foaming agitators to go untouched. Their weight with the community was small, and Republicans of the kind he had described were dangerous to Imperial ambitions, and they had to be thrown into prison—the idea being that if men of such character and position were arrested it would strike terror into the population of the locality, and assure the authority of the new *régime*. This was exactly what the Irish Government had done. The "miscreants" and "scoundrels" that they had talked about had been unheeded. They were at large now, as they were six months ago; but the influential chiefs of political and local life had been incarcerated, the object, no doubt, being to impress the people with the vigour of the Executive and act as a deterrent to others. The result had not realized their anticipations, as the arrests instead of pacifying the people had exasperated them; and as they all knew — no one better than the Government—Coercion had promoted disorder rather than prevented it. He had no wish to speak specially of the arrest of Father Sheehy, which had been referred to repeatedly in these discussions. All he desired to say was that the Government in taking that course had taken upon themselves a large responsibility. The Irish Catholic priests occupied a peculiar position. They were not mere controversialists who spent their time mumbling the dry-bones of an ancient theology. They were active sympathizers with their countrymen. They were the sons of peasants and racy of the soil. They knew the wants of their people, aided them in their difficulties, consoled them in their sorrows, and lent heart and hope to as hard a lot as ever fell to the children of men. He did not complain of the arrest of Father Sheehy, because he was a priest; but he trusted that, if priests were to be imprisoned, there would be no partiality shown, and if men like Father Sheehy had to suffer, higher dignitaries of the Church, if they acted like Father Sheehy, should be treated in the same way. The case of Mr. Dillon was one without precedent. It was an old Privilege of Parliament that Members could not be arrested or imprisoned for a civil offence. This Privilege dated from an older date than the existence of the present form of Parliament. It came down to them from their Saxon forefathers, and was a Privilege of members of the Witangemote. Of course, the Government would say Mr. Dillon's offence was not civil but criminal; but that was their distinction. They had arbitrary powers, and if they chose they could make an offence either criminal or civil. But that was not the point he wished to urge. Members of Parliament had been repeatedly arrested on a charge of high treason and tried for it; but Mr. Dillon had been accused of no offence. He had not been tried, and there was no intention to try him. He had simply been arrested on suspicion. Another Member of that House, the right hon. Member for Bradford (Mr. W. E. Forster), chose to say that in his judgment there was reasonable suspicion that a speech Mr. Dillon had made might excite some of the Irish people to commit an illegal act, and in consequence of that suspicion he had been thrown into gaol. He (Mr. J. Cowen) affirmed that there was no case since the time of the Revolution, since the evil days of the Stuarts, when such an arbitrary and high-handed proceeding had been taken by any Government. Indeed, he did not know that even in those troubled times they could find an exact parallel to Mr. Dillon's case. If they believed that Mr. Dillon was guilty, let them put him on his trial, and if convicted let them punish him. No one wished to exculpate him if he had committed an offence. The charge he made was that the Government had arrested a duly qualified Member of the Legislature for no offence, but merely upon suspicion. He did not complain because of Mr. Dillon's superior social position. The bigger the man the bigger the offender —if he was an offender. But upon that "if" the whole question hinged. His accusation was that the Government had got the Coercion Bills for the purpose of doing one thing, and they had used them for another. They were to imprison miscreants and ruffians, desperadoes and marauders. Would they have the hardihood to apply such a description to Mr. Dillon, to Father Sheehy, to Mr. Walsh, and others of their fellow-prisoners? He knew they would not so describe them. He felt strongly on this question, and he spoke strongly. It was his conviction that the policy the Ministers were pursuing was dangerous. It had already produced disorder. That disorder would broaden into disturbance, and the disturbance into insurrection and bloodshed. Such being his belief, he was bound to utter it with all the emphasis, energy, and earnestness that he could command. ["No!" *and* "Hear, hear!"] He knew he was speaking to a hostile and unwilling audience; but the fact that so few sympathized with the views he was enunciating—and the deep conviction that the policy the Legislature was pursuing was a fatal one—only rendered it more necessary to be outspoken and resolute. He could never reflect on the position that England held towards Ireland without an overpowering sense of humiliation. After all the centuries of contact between the two countries, we were compelled to resort to the cruel, crude, barbarous, and demoralizing devices of despotism to uphold our authority. The capital of the country, the second city of the Empire, was placed in a state of siege; scores of honest and honourable men were imprisoned without trial and on mere suspicion; the Constitution was suspended, and the country placed at the mercy of a single man and his few advisers. We might depend upon it that the fault did not "lay in our stars," or with the Irish, but with ourselves. At the same time that we were binding these dishonouring bonds in Ireland we were bending all our efforts to break them in other lands. The inconsistency was palpable to everyone but Englishmen. The Government, as well as their supporters in the House, and their defenders out of it, were constantly telling us that the disturbed state of Ireland was created by a handful of men whom they described as the Land League. We were assured that the Gentlemen on the other side were the originators of all this discord. ["Yes, yes!" *and Cheers.*] Hon. Members said "Yes, yes!" Why, it was exactly the opposite. Hon. Gentlemen on the other side were not the cause of the commotion, but the result of it. They were the outcome and consequence of the condition of things in Ireland. There was social and political discontent, and out of social and political discontent the Land League was evolved. Out of the Land League came the representatives who gave them so much trouble. Every tyro in history knew that, in Ireland, there had been an agitation or an insurrection nearly every decade for the last century. It was at one time Wolfe Tone and the United Irishmen. Then it was Mr. O'Connell and the Catholic and Repeal Associations. Then it was the Confederacy and the Young Irelanders. They were followed by Mr. Stephens and the Fenians. Then came Mr. Butt and his scheme of Home Rule; and now they had his hon. Friend the Member for Cork City and the Land

League. They had different names, different forms of organization, different modes of procedure; but the thought, the idea, the aspiration of all these movements was the same. They all gave expression in one form or other to social misery and political discontent. And until that misery was relieved, until that discontent was appeased, agitation and incipient insurrection would continue. The Land League might perish; but it would be followed by some other body, and probably that body would be more aggressive than the one they were now troubled with. The Government believed they could beat out ideas by bludgeons. They seemed to harbour the impression that they could kill thought by bayonets. Bigger men than they were had tried that before, and had been beaten. And they would be beaten also. They could not kill thought. They could not thus exterminate the national aspirations of an entire people. There was one way, and one way only, of restoring order and preventing these eruptions, and that was by doing justice to the people and redressing their admitted grievances. Let the Government adopt a bold and generous policy. Let them cancel their Coercion Acts, cashier their spies, withdraw their military, release the "suspects," administer the Common Law firmly, resolutely, and wisely, and trust the people. If they did this their confidence would be reciprocated. This would do more to restore law than all their regiments of bailiffs and process-servers. It would do more to preserve order than the whole British Army. Englishmen did not seem to realize what would be the effect of the steady hatred of even so small a section of the population as the Irish people. He was astounded at the indifference with which English Liberals treated this subject. The question struck at the very root of the principles which they professed, and he did not doubt honestly professed, to entertain. It passed his comprehension to see Radical Members of Parliament taking the course they had taken during these discussions. He knew that many of them acquiesced in, though they did not approve of, what had been done. He respected their motives, and he could understand them, although he certainly denied their wisdom. They reasoned thus. They had got a Government in Office which they implicitly trusted. Behind that Government there was a large majority, and behind that majority there was a strong popular sentiment. At the head of that Ministry there was a Statesman of great experience, of great ability, and one who wielded an influence in the country second to none. Their anxiety was to preserve the Government in power, and their desire was not to embarrass it. On this ground they consented to a line of action that their judgment and their convictions disapproved. He did not think he was incorrectly describing the attitude that some of the Gentlemen behind him had taken up. He believed it was an unwise one. If a man saw a friend rushing to his destruction, it was no part of friendship to allow him to do so unchecked. If he saw a neighbour careering over a precipice, he did not perform a friendly act if he failed to warn him of his danger. What was the result of their last five months' work? The House had been sitting that time, and what had they done? They had passed two Coercion Bills and had initiated a Land Bill. But the Coercion Bills had eaten the very soul out of the Party. All the verve and vigour that distinguished it last year was gone, and gone because, in a fatal hour, the Liberal Leaders had been induced, for a temporary advantage, to abandon the settled principles of their Party and their lives. It would take a greater effort than they dreamt of to restore the enthusiasm that gathered round the Party 12 months ago. Let them run in a rapid panorama what they had accomplished since January. They had passed a Coercion Bill that was the most drastic and far-reaching that had ever been inscribed on the English Statute Book. Competent jurists had declared that it was the most unqualified law that was in force in any Constitutional country in Europe. They had passed that by overwhelming majorities. One of its early stages was secured by an act of illegality—it could be described in no other words—by the Chief Officer of that House. And yet that illegal action had never been commented on nor condemned, and not even discussed. It would pass into the Journals of the House as a precedent, and Liberal Members might regard it as certain that, at no distant day, it would come up in judgment against them. In a period of great exasperation they suspended 30 Irish Members, and, during their absence from the Chamber, they hurriedly altered the Regulations of Parliament so as to enable them the more readily to pass their Coercion Bill. It was a piece of sharp practice unworthy of the British Legislature. When they had got their Acts, they had issued Circulars to the police which, if issued under the Third Empire, would have been received with howls of condemnation. Let them conceive such Circulars issued by the last Government instead of the present. All the greasy apparatus of our caucuses would have been put in play at once, and no Tory Government could have remained in Office a fortnight after the Circulars had been brought to light. Yet they passed unheeded and uncondemned. To such a position of political degeneracy had we been brought by weak subserviancy to Party interests, and, he doubted he must add, an unmanly anti-Irish prejudice. He feared the couplet that was true of other times was true of this—

"As bees on flowers alighting cease to hum,
So, settling into places, Whigs grow dumb."

MR. HOPWOOD said, that while listening to the rhetorical language of his hon. Friend the Member for Newcastle, he thought it rather strange that the hon. Member should still find language of abuse for those among whom he still continued to sit. No shortcoming of his own side, no generous expression from any of his own Leaders, received the least consideration from him. The hon. Gentleman seemed to think that those who, under a free Constitution, took means to make the law respected and to put an end to outrage, were guilty of acts which would disgrace an autocratic Government; and that the powers they possessed exceeded anything that was ever entrusted to a Melikoff. Did the hon. Gentleman expect to win the ear of the House of Commons by such assertions, or by the declaration that the eminent Statesman at the head of the present Government was so dead to the claims of liberty that he and his Colleagues meant to trample upon the liberties of Ireland? For his part, he had as much interest in the subject chiefly under discussion during the present Session as hon. Gentlemen opposite had; and he said fearlessly that if a body of gentlemen in this country by intemperate agitation roused a section of the people to commit acts of disorder and outrage, Radical as he was, he would, if necessary, vote to put into the hands of the Minister in whom he had confidence the powers necessary to put down such acts. Not one word had he heard the hon. Gentleman utter against the organization known as the Land League. Only the so-called wickedness of the Government would he remember, and why? Not because he loved Ireland more, but because he loved the Ministry less. If the hon. Gentleman went on in that course, it would naturally raise in their breasts a suspicion that he acted rather from spite than from a sense of public duty. With respect to the arrest of the hon. Member for Tipperary, where was the jurist who said that a man who had broken the law was above the law, and was not amenable to the law because he was a Member of the House of Commons? The Roman Catholic priest who had been arrested was, no doubt, a man deservedly respected in private life; but, as much as any other man in the community, if he broke the law, he was liable to be dealt with according to the law, and yet his arrest was made a part of the hon. Gentleman's indictment against the Ministry. The reminder that some who had been agitators were now sitting on the Treasury Bench was uttered apparently in the most disinterested manner, because the hon. Member was sitting below the Gangway; but, if they had been agitators, it had been for worthy objects, and the hon. Member had stood side by side with them in agitations which had contributed to the happiness, liberty, and prosperity of the country.

MR. A. M. SULLIVAN said, it reminded them of old times to hear again the voice of the hon. and learned Member for Stockport (Mr. Hopwood), who had once supported the Irish Members in miscalled obstruction, but who had been silent so long that they were wondering what had become of him. He formerly spoke manfully for the principles of public liberty and popular right; but he seemed to forget them when the Liberals were in power. Here were two Republican Democrats, the one not sacrificing his principles to Party, but the other giving up to Party what he had often assured them was meant for mankind. The hon. and learned Member had not attempted to grapple with the Motion, and the facts on which it was based. The question was whether the hon. and learned Member defended the nature of the rule to which Ireland was now subjected. For himself, he could not look upon the existing state of things without feelings of alarm. He should not be able to speak on the subject again for a week, a period all too long for what might happen in the interval. He saw Ireland being rushed into civil war by the negligence of the Government and the imbecility of the Dublin Executive. It was to him unendurable to hear an English Democrat who would denounce such things on the part of Russia or any Continental Power approving by implication such Circulars as the Irish Executive had issued to the police. Under the benevolent and amiable Member for Bradford (Mr. W. E. Forster) Ireland was being subjected to a despotism more mean and despicable than any the country had experienced since the days of Castlereagh. The secret confidential Circular was to be kept under lock and key, and to be communicated to subordinates only by word of mouth. With such instructions, in what shape would it be likely to reach the village policeman? By the time that Circular reached the village policeman, it would have assumed this form—"We have orders from Mr. Forster in the Castle to suspect more criminals, and we must send up more prisoners to Dublin." The fruits of the Coercion Bills had fallen below the expectations of the Treasury Bench, and the Circular had been sent out lest the English people should discover that the Coercion Bills had been obtained on false pretences. As the Duke of Wellington said, "The English people liked good butchers' bills, so they liked full gaols." The present Government was formed of known public men in England, who, one would say beforehand, would most probably be just and friendly to Ireland. Taking the Treasury Bench from end to end, he was not afraid to say no better men could be found, and the interests of the Irish people would be safe in their hands. But after one year's experience of all their talents and all their virtues, he was compelled to say that no Ministry with all their vices could approach the mischief of their conduct. What with their weakness, what with their fatuity, what with their dread of their opponents and their carrying out the Tory policy, they had reduced Ireland to the position of being a scandal to the Empire and the civilized world. When the Coercion Bill was brought in they were told its object was to arrest "village ruffians" who were known to the police—on whom they could lay their hands at any moment. He now defied the Government to point out one village ruffian among all the prisoners who had been arrested. He remembered one of the Ministers of the Crown saying one day that those men were already taking flight, and it was their belief that before a fortnight they would hardly need the Act at all. All the London Press took their text from Downing Street, and said that the men were running away. Now, had the Coercion Act made things better or worse? Hon. Members heard him say on a former occasion that there was this unfortunate circumstance about the Coercion Bill, that if it failed the Government would say—"How much worse we should be if the Act had not passed;" whereas, if it proved effective, they would say—"See how the Act has pacified Ireland!" But who were the men arrested under the Act? There were many among them whom he was proud to claim as friends. If hon. Members were to go over the list and test the matter by social respectability and personal character, they would find that it was not "village ruffians," but men deserving and possessing the confidence of their fellow-countrymen who were now filling the cells of Kilmainham Prison. There was, for instance, young Mr. Higgings, there was in his own county young Mr. Flood, who had been taken to prison as persons "reasonably suspected." Now, the Irish Members "reasonably suspected" the Chief Secretary for being the dupe of the police and for being a lamentable failure in the Irish Office. The last arrest was that of Mr. M'Sweeny, in Donegal. In the barony from which that gentleman had been taken there was no man of better position or greater social influence among his co-religionists. He was a man worthy of public respect, and he enjoyed it; and yet he had been torn from his home, not because he was a village ruffian, but because he was president of the local branch of the Land League. As to Father Sheehy, the hon. and learned Gentleman the Member for Stockport (Mr. Hopwood) asked was a man to be allowed to go scot-free because he was a clergyman of some denomination? Now, it was his intention to circulate a handbill in Ireland to show what a Protestant clergyman was allowed to say, and what a Catholic priest was imprisoned for saying. Father Sheehy, being asked his advice as to the course to be pursued by a man named Connor, told him to fight the battle to the bitter end, and asked the neighbours to support Connor by their presence, and to save him from the effects of his stand against eviction. Let them contrast that with the language of Parson Kane, who suggested to his hearers to form clubs and purchase arms, in order that they might shoot a Catholic priest in every parish where a Protestant had been murdered—indeed, Mr. Kane said that six Catholic priests ought to be shot for each. His Bishop called his attention to the matter. In reply, the rev. gentleman did not retract his words, but said, on the contrary, that they were deliberately uttered and intended. Yet, while the Protestant clergyman walked free, the Catholic priest was thrown into prison. The landlords believed the Land Bill would pass, but not this year, and they were determined to swoop down upon their tenants and evict them, so as to have the cleared farms as future tenancy farms next year. For the last three days the battle in Committee had been waged over future tenancies, and behind that battle lurked the fell design of the landlords to evict the tenants in large numbers. In the Easter term alone the number of eviction proceedings reached the enormous total of 3,000. The peasantry thoroughly understood the landlords' game, and were determined to protect themselves, even to the shedding of their blood. They believed that there was a gigantic scheme afoot, the object of which was to sweep them from the land before the passing of the Land Bill; and, unless the notion should be proved unfounded, the people would shed their blood in defence of their homesteads between this and August. If he could do so honourably, he would gladly retire from public life during the next few months, for he was in the difficult position of being unable to approve bloodshed and crime on the part of his countrymen, or of supporting the miserable Executive that was ruining the country. At the request of many ecclesiastic dignitaries in Ireland, he had to complain of the language used in the House of Commons by the Chief Secretary, in which that right hon. Gentleman imputed that the Catholic priesthood were, with unworthy motives, inciting the people to unworthy deeds. The Catholic clergy of Ireland sprang from the people, and were bound to them in consequence by the closest ties; but ever since the passing of the Penal Laws, theirs had been the hands which had restrained the people in the interest of civil order. Were it not for the restraining influence of the priesthood, before the lapse of 24 hours the country would be plunged into civil war. He could not therefore but regret greatly that the Chief Secretary should have filled up the measure of his lamentable incompetency by insulting the sacred body of men who had been throughout the whole of Ireland the best and surest guardians of peace, liberty, and order. The Government, he feared, would persevere in the course which they had begun. He supposed they were afraid of being humiliated. Already, the noble Lord the Member for Woodstock (Lord Randolph Churchill) had taunted them with not being bloodthirsty enough. He asked whether coercive legislation had been successful in Ireland? All he could say was that he did not envy the feelings of those who could take up their newspaper in the morning and read its contents without a feeling of sorrow.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, he had listened with great pain on this as on previous occasions to the representations made by Irish Members that in the course they had taken with reference to Ireland Her Majesty's Government were actuated only by feelings of hatred, hostility, and dislike. ["Hear!" *and* "No!"] He quite admitted that that language was not universally used by hon. Members opposite; but it had certainly been employed by some of them. That was a charge which gave great pain to every one of the Members of Her Majesty's Government. For his own part, he could appeal to every act he had ever done and to every sentiment he had ever uttered with regard to Ireland to show that he cared as much for Ireland as he did for any other part of the United Kingdom. However much they might differ as to what they might think was necessary to be done, surely they might at least give each other credit for honestly desiring to secure the well-being of their countrymen, which was only, after all, giving credit for the common sentiments of humanity. Evil to Ireland unquestionably meant evil to England; prosperity to Ireland meant the prosperity of the Sister Country, and *vice versâ.* There was a general agreement that the condition of Ireland was very grave—in fact, the gravity could hardly be exaggerated—and they were agreed as to the respects in which that condition was grave. Outrages had been committed upon farmers, and upon herds and humble individuals, merely because they had done what was considered to be contrary to the interests of their neighbours; and surely any Government that were worthy of the name were bound to do their best to see that life and property and liberty were protected and that the law was obeyed. Then, with regard to the disturbances. The disturbances arose from a determined resistance being offered to the enforcement of the law. But how came it that the law was resisted in Ireland and had to be enforced? Hon. Members opposite attributed the disturbances to the evictions. But did they mean that the Government should refuse to enforce the law in certain circumstances? [*Cries of* "Yes!"] All that he could say was that that was one of the most frightful suggestions in favour of tyranny he had ever heard made to a Government. No tyranny could be more frightful than that a Government should pick and choose in what cases the law should be enforced. For his own part, he would entrust no Government with such a power. According to the doctrine which had been laid down by the hon. Member for Cork City, men were justified in resisting the law because they were of opinion that their rent was unfair in amount. He could not think that the hon. Member realized the morality of such a doctrine. A man had agreed to pay a certain rent, and had made his bargain. He had enjoyed the land; and when a claim was made for the rent, it was inconsistent with any principle of morality that he should say—"I won't pay you, because I think the claim is unjust." He would put the hypothesis for a moment that the man was correct in saying it was unjust; but what right had he to say that? They would be leaving to the man to judge in his own case whether the claim was just or unjust, and he knew no man to whom they could leave the determination of such a matter. He had seen men utterly in the wrong in the opinion of every impartial person, and yet firmly persuaded that they were in the right. Nothing could be more dangerous than to allow any man to judge whether a claim made upon him was just or unjust, and yet that was what the hon. Member advocated. He would appeal to him to reflect upon the consequences to which such a doctrine would lead. They could not confine it merely to rent for land. If such a doctrine was proposed, they could not tell where it would stop. Suppose that a man honestly did think that he was paying an unjust rent. The man declined to pay, and afterwards his neighbour would say—"Oh! here is So-and-so paying no more, perhaps less, than I am; he considers his rent unjust; he is not paying, and therefore I won't pay." The man would say that, although he knew perfectly well the land was let at a fair rent. The result of this doctrine would be that people would combine for the purpose of preventing those whose who believed their rent was just from paying. He did not suppose that the hon. Member desired it; but circumstances had proved that such had been the inevitable consequences. It was suggested that all landlords in Ireland ought to go without their rents, which in many cases were perfectly just, because some people chose to consider them unfair. It was impossible that any Government could enter into these inquiries as to whether the claim was just or unjust before they put the powers of the Executive into operation to enforce it. The Legislature had not enacted it, and the Executive would be violating the law if they took on themselves such a power. He might take exaggerated notions of the obligations of law; but he could conceive no state of things more terrible than a state of lawlessness in which it was left to the Executive Government to decide what rights and contracts they should enforce, and what they should not. Any Ministry who did that would be violating their duty, and acting with absolute illegality. And if they were not to do this, what were they to do? If, as had been suggested, the Government were to say—"We will not enforce the claim of any landlord in Ireland," the result would be that just rents would not be paid. It should be remembered that there were many landlords who had very little means and very few tenants, and would it not be a most serious matter to deprive them of that which they believed to be, and which often was justly, their due? The hon. Member seemingly assented to that; but surely the result of the doctrine he had advocated would lead to that state of things. They would find that men would refuse to pay debts which were perfectly just if they were told that they were to decide as to what was just. Moreover, if no distinction were drawn between just and unjust claims, it would be a distinct premium in favour of the bad landlords who might point to many cases where just landlords could not get their rents. Desiring, as he did to the full, that justice should be done to the Irish tenant, he would put it to hon. Members whether there was not a danger in advocating the doctrine to which he was referring? He had called attention, therefore, to the difficulties in which any Government would necessarily be placed in endeavouring to deal with this question. Hon. Members opposite would not, he was sure, imagine that the Government found it a pleasant thing to have to enforce the law. It would be much pleasanter to shirk the duty, if they wished only to make their tenure of Office agreeable to themselves, to let things take their course, and to regard the relations between landlord and tenant with indifference; but they must assume, from a serious sense of duty, that so long as the law existed, and so long as the legal right was a legal right, it was their duty to enforce it when called upon, and that they could not make exceptions in doing so. Now, however, they were attempting to do something to meet the very evil that the hon. Member had referred to. ["No, no!"] He said "Yes." The difficulty was to say what was a just and what an unjust rent, and they were seeking to obtain the most competent tribunal that could be obtained for the purpose of determining what rents were fair and what were unfair. They wished to avoid that difficulty, which, he was sure, they all felt, of leaving a man to be a judge in his own case, whether landlord or tenant. He would not trust one more than the other, but would put the tribunal between them; and he should have thought that hon. Members, if they only wished what was right to be done, would have done better to assist in the creation of such a tribunal than to have thrown obstacles in the way of it. He could not but say a word or two on one matter to which the hon. Member for Meath had alluded. He regretted very much the hon. Member's suggestion as to the publication of the handbill, because he was sure that, on reflection, the hon. Member would perceive that the Government could not possibly make any distinction between Protestant clergymen and Catholic priests. [Mr. A. M. SULLIVAN: One was a Land Leaguer.] The Government could not make any distinction between Protestants and Catholics, whether they were Land Leaguers or not. Did the hon. Member really believe that was the reason?—[Mr. A. M. SULLIVAN: I did not impute a motive.] The hon. and learned Member had imputed a motive. What, he asked, would be the result of publishing this handbill, and were there no reasons against it? In the first place, what Mr. Kane had said was said long ago, in the course of the summer of last year, when Questions were asked about it in the House; and it had been clearly shown that from such idle vapouring no results could be expected. Did the hon. Member think that any priests would be shot on account of what Mr. Kane said? [Mr. A. M. SULLIVAN: I did.] The expectation had proved fallacious, then, because the year had passed, Mr. Kane had not withdrawn his language, and still no priests had been even shot at, so far as he knew. On the other hand, when words were used inciting to violence, and acts of violence followed, every one, whether Catholic or Protestant, would be forced to the conclusion that the latter case called for the interposition of the law, while the former might safely be passed over. The hon. Member had spoken of disparaging words being used by the Chief Secretary towards the Catholics; but he was confident that nothing was further from the intention of the right hon. Gentleman than to do such a thing. He had read the speech of his right hon. Friend, and he was confident that, whatever expression might have been used in it, there was no intention to be disparaging to the Catholic priests. He (the Solicitor General), had desired to speak, and he trusted he had spoken, with perfect temper, and with no language that would embitter this controversy; and he desired to show how the Government might and did feel amidst all the grievous responsibilities of the case, that there was a responsibility on them, the burden of which could not be got rid of—namely, the responsibility of repressing outrage and disorder, and discharging the most solemn of all their duties, that of enforcing the law.

Mr. PARNELL said, that he and all his hon. Friends thanked the hon. and learned Member who had just sat down for the perfect temper and kindliness with which he had spoken. If they had speeches like his a little oftener than they had, perhaps the duty of governing Ireland—though he feared it would not be made very much easier—would, at all events, be carried on with fewer unpleasant controversies. The hon. and learned Member had appealed to him, and to his sense of what was fair and just. He had asked him whether it ought to be left to the Irish tenants to decide what the rent should be that they should pay to their landlords. Well, he did not think anyone ought to be the judge of his own case; but, at the same time, in the absence of any other tribunal or Court, it was necessary for the Irish tenants to be the judges in their own case. It was necessary for them, in self-defence, to combine, and to recommend the stronger to help the weaker. If they had not done this, the poorer tenants on the estates would have been overwhelmed, failing the support which they had been getting throughout Ireland during this struggle. It stood to reason that if the landlord could get his rents from tenants who were able to pay, he would refuse to reduce the rents of those tenants who were unable to pay; and it was for the purpose of obtaining a reduction of rents for tenants who were unable to pay that they had recommended them to combine together and make common cause, and refuse to pay the landlord until he had given a reduction all round. Now, of course, the hon. and learned Member asked, "What can the Government do?" He did not exactly see what the Government could do, except to refuse to give the armed forces of the Crown for the purpose of carrying out evictions in Ireland—at all events, for a time. He knew it would be an unconstitutional course, but the Government were now doing a great many unconstitutional things in Ireland against the tenants; and really they might now give a little respite to the tenants in this struggle against rack-renting and unjust landlords. He thought the Government might have done something. They might have introduced a clause into the Land Bill giving the Courts an equitable jurisdiction as to the claims made by landlords; and if they had done that, they would have prevented the present position of the country. Undoubtedly, if they went on as they were acting at present, lending the armed forces of the Crown to the landlords for the purpose of evicting tenants, they would have extensive bloodshed in Ireland long before their Land Bill could be passed. Many of the tenants who owed arrears of rent would not be protected by the Bill, for reasons which it was not necessary for him to enter into at the present moment, and they saw that their only resource was to continue the struggle which they had been, and were at this moment, waging with tolerable success. The hon. and learned Member had said that it was impossible to distinguish between tenants who were and tenants who were not able to pay their rents, and that owing to the advice given by the Land League,. many tenants were now in a position to pay their rents. But if the hon. and learned Member were to consult with the Chief Secretary, he would find that the cases where tenants who were able to pay their rents were evicted were a very small minority. In fact, it had frequently happened that tenants to whom the Land League had given pecuniary assistance to save them from starvation had handed the money to their landlords against all the rules of the Land League. ["No, no!"] He knew of a large number of such cases, and he was at the present time engaged in the investigation of several. The Irish tenant would not suffer eviction if he could possibly pay his rent. He would go very close to the point of eviction. He would allow his stock to be seized, he would allow his interests to be put up to auction; but there were very few cases on record throughout the whole of this long struggle where the tenants were able to, but would not, pay their rent. The Land League had advised all tenants to refuse to pay unjust rent, and to allow it to be levied at the point of the bayonet—which latter was only a figurative expression which had been used by some, though not by him. It had been used, he believed, by Father Sheehy; but it only meant that in these cases the tenants should allow the bailiff to come before they paid their rents. This was the only reply he had to make to the hon. Member. The necessity of protecting the weaker by combining with them the stronger had been forced upon the people—first, by the Compensation for Disturbance Bill of last Session; and, in the second place, by the refusal on the part of the Government to incorporate into the Coercion Bill powers that would have kept landlords in check, and would have prevented them from pressing evictions that every sensible man in Ireland knew they would press as soon as the Coercion Bill became law. With reference to the suggestion made by the hon. Member for Clonmel, that some arrangement should be made with the Government by which the hon. Member for Tipperary (Mr. Dillon) should be released from prison on parole, it would be quite impossible for his hon. Friend to assent to any arrangement of that sort, because it would subject him to the condition that he should not continue his connection with the agitation in which he had been engaged. His hon. Friend had chosen his course, and the courageous and plucky action he had taken had been of enormous advantage to the Land League. The hon. Gentleman considered that he had done his work, and was willing to remain in prison as long as they chose to keep him there, or until he died. The hon. Member had blamed him for not giving the Government some credit for good intentions as to the good government of Ireland. He could only say that if all the Members of the Government they had had to deal with were like the Solicitor General there would be very much less cause of complaint in Ireland and much less ill-feeling against it. But when he remembered how his hon. Friend had been treated in this City of London—that he had been dogged by a detective day and night by the direction of the Home Secretary, that he had been followed about the streets like a common thief—how could they expect him to give credit for anything to the persons who had been guilty of this conduct? An explanation had been offered by the Government of the reason that had led the hon. Member to return to his cell instead of remaining in the gaol infirmary; but what the hon. Member himself had written to him was that he had been compelled to return to his cell in consequence of the insulting and offensive conduct of the doctor, who appeared to have received a commission from the landlords to insult and annoy him. The hon. Member further stated that the declaration of the Government that "suspects" were only to be confined, and not punished, was untrue and unjust, inasmuch as he was kept in a cell some 12 feet square for 22 hours out of the 24. His hon. Friend acknowledged that the prison officials, other than the doctor, were most kind and courteous. Their great charge was that the pretence upon which the Government obtained the Bill was that it was to be used for the arrest of ruffians and persons actually committing outrages. The Chief Secretary placed his case for coercion on the assertion that obedience to the commands of the Land League was enforced by intimidation in the form of outrage. The Irish Members pointed out in vain that it was really the public opinion of the country which enforced those commands; and that, he believed, the Government must have already discovered. On account of the intimidation and terrorism exercised by a few individuals, they compelled, or induced, crowds of men, women, and children to come out and submit to be shot down by the soldiers and bayonetted by the police. It was because the heart of every man, woman, and child was being arrayed against English rule in Ireland by the arbitrary and horrible conduct of the Executive Government in Ireland. The House could have no idea of the state of things which was brought about when extra powers were given to the police, when every sub-constable was encouraged to suspect all the people, and directed to keep registers of suspected persons, and to have always a sufficient number of "suspects" to send up to the Chief Secretary whenever he was spurred to extra exertions by his political supporters. What did the right hon. Gentleman say when he was asking the House for these extra powers? He drew pictures of the outrages by means of which he said the power of the League was enforced, and he asked for powers to lay his hands on the committers of those outrages who, he declared, were all well-known to the police. He drew most pathetic pictures of the maiming of cattle and the houghing of dumb animals; and those descriptions of injury to innocent beasts had more effect in inducing the House to grant excessive powers than almost anything else? But what were the facts? From the Returns of the persons arrested, they found that amongst all the "suspects" there was one individual suspected of houghing cattle, and he had since been released. The House was told of a great increase of threatening letters to an amount somewhat higher than at any time since 1845; yet just three persons had been arrested on "reasonable suspicion" of sending threatening letters. Then the right hon. Gentleman said it was necessary to put a stop to incendiary fires, and that some humble men on a lonely mountain were attacked, their houses set on fire, or their windows fired into, or their backs carded. How many had he arrested on suspicion of incendiary fires? Just two. The Returns showed, in short, that 11 or 12 persons had been arrested for being suspected of actually committing the different kinds of outrage, on the alleged commission of which the right hon. Gentleman based his claims for exceptional powers. And were these "village ruffians" and "midnight marauders?" One was a Member of Parliament; another was a Catholic priest; a large number were Town Councillors and Poor Law Guardians; and the rest, almost without exception, were substantial farmers and tradesmen of respectability. Whenever a man had been arrested under this Act, the parish priest had always walked by his side to the prison van, and he had the sympathy of the whole neighbourhood. His farm was tilled by hundreds, and, in some cases, by thousands, of willing hands, and in his absence his wife and children were taken care of by friendly neighbours; while, if he had a shop, it was patronized by all his friends. All the "suspects" of the Chief Secretary, the men libelled in this Return, were the idols of their own friends and of the whole country-side, and to them in future would be given the credit of the Land Bill, which was now engaging the attention of the House of Commons. He asked the Government what they intended to do? Were they determined to press the situation in Ireland to its bitter end? Already they had alienated the sympathies and the affections of the majority of the people; and it was just possible that as the result of what they were now doing they might lose Ireland. It might seem to be very impossible that their strong power and hold over Ireland should be destroyed; but more impossible things had come about. There had never yet been a rebellion in Ireland which was taken up by more than a small section of the population. In 1798, only three counties were up, and it taxed all England's resources to put them down. He believed if, at the present moment, any revolutionary party made a determined appeal to the Irish people, every county would join in a rebellion against English rule. The people were saturated with disaffection, and justly so; and therefore he asked were the Government intending to go on sitting on the safety-valve and driving the people to desperation, or would they not exercise a little forbearance and try the effect of following Archbishop Croke's advice and see whether the people in some particular county, at all events, could not come to a peaceable arrangement with their landlords without outside assistance? Let the Government announce that in Tipperary they would give the tenants and landlords three months to settle their disputes amicably, and keep the police and military out of the county. Such a course would be for the interest of the landlords as well as the tenants. It was perfectly true, as had been stated often in that House, that the Irish tenants were willing to pay just rent; but if they were driven to desperation, he did not know how long they would continue in that frame of mind, or how long England would be able to assert its power. It was a very difficult thing to execute these decrees. They were beset with difficulties from the first, and when they turned a man out they had no assurance that he would go back again. The whole administration of the law in Ireland was being brought into contempt, simply because the Government were supporting the unjust claims of the landlord, who had manœuvred to place them in that position which they were foolish to accept. They would do well to try the advice of Archbishop Croke, and see what would happen if they withdrew their troops and police from Tipperary for a single month. He felt sure the priests would be responsible for the peace and order of the county, and there would be an entire cessation of outrages. If, however, things were allowed to go on in the course they were now taking, nobody could predict the result, and he feared it would end probably in the loss of the entire property of the landlords in the land. If the people once found out that they could, by combination, successfully resist process of law and evade payment of rents, was it likely they would return to pay rents even after the Land Bill had been passed? They were willing now to pay just rents; but they had been urged by some to strike against all rents. He had, up to the present, successfully opposed any such advice generally; but he did not know how long he could continue to do so. Events were marching so rapidly in Ireland that it was impossible to say what the situation might be that day four weeks or four months. It might happen, if they went on in their course of aggression and irritation, they would find themselves face to face with a strike against all rent, and when the people had once struck, it would not be found easy to get them to pay any rent at all. The outlook was a serious one for the Irish landlords. He knew no class who had more to obtain by prudence and moderation in the present crisis. The Government had before them the prospect of being utterly discredited in Ireland. They were teaching dangerous lessons to the Irish people; and those who occupied a middle position, as it were, in this movement, did not know when they might find others very much in advance of them. He had endeavoured to put the case as plainly as he could as regarded the present situation in Ireland. Unless the Government did something to stop evictions in Ireland there would be a very large increase of outrage. If blood were shed by the police and military in Ireland there would be undoubtedly a rebellion —he did not say this at all as a threat— and landlords would be murdered in retaliation. Nobody would regret such a thing more than himself; and he could assure hon. Members that he should regret to the last extent that the life of either landlord or tenant should be sacrificed in this movement. But he could not help saying—and he did not say it in the least degree in the nature of a threat—that if things went on as they were now going that the lives of many landlords and tenants would be lost. The Government had the control of events. They could control the forces of the Crown. Let them try the experiment of accepting the advice of the Archbishop of Cashel, and let them leave to the clergy of the premier county, Tipperary, the responsibility of maintaining order and peace for three months, and neither landlords nor the Government would regret the result.

THE MARQUESS OF HARTINGTON: I can assure the House that I have no intention of following at any length the course of the debate on the present and on a former occasion; but I think there are a few words of the hon. Member who has just sat down of which it is necessary that some notice should be taken. The hon. Member has pursued on this occasion a course which he has been frequently in the habit of pursuing, and against which, I think, it is necessary, on the part of the Government, that a protest should be made. The hon. Member has, under a very thin disguise, uttered some very serious threats. I admit that they are in disguise; but I will ask the House, when I have described what he has said, whether they were threats or not. The hon. Member has not said he wishes— on the contrary, he has said he hopes certain things will not take place—but, under the guise of prophecy, he has told us that, unless we accept his bidding, the following things will happen:—We may lose Ireland; probably the landlords will lose their property; there may be considerable bloodshed, and a considerable number of landlords will lose their lives. He has also told us that the people are saturated with disaffection;

and having, on former occasions, by himself and his Friends, told us that he and they represent the people of Ireland, he then thinks it is likely, and probable, and desirable that we, the British House of Commons, should follow the advice of those who, he has informed us, are saturated with disaffection. What is the advice which, after these, if I may not call them threats, prophecies, has been offered for our consideration, and which he tenders to the Government? It is that the Government should withdraw from the execution of the law the military and police forces, and, in fact, that we should resign the functions of government altogether. That is, I must say, with all respect, not the course the Government have any intention to pursue. It was not for the purpose of abdicating their functions, it was not for the purpose of settling difficulties between landlord and tenant as between those who have property and those who have not, it was not for the purpose of placing all the social and legal relations of the country in the hands of the Land League, or even of the Archbishop of Cashel, that the Government asked for and obtained from this House exceptional powers. We have been intrusted by Parliament with exceptional powers for the purpose of maintaining, or, at any rate, attempting to maintain, law and order in Ireland, and we intend to use those powers to the best of our ability. We have used them, I believe, with moderation—["No!"]—and forbearance, and we shall continue to use them until we are convinced that they are not effectual for the purpose for which they were given. We are told we have not used our powers with moderation and forbearance; but the description which has been given of the Act to-night, when compared with the use which has been made of it, shows that it has been used with great moderation and forbearance. The hon. Member for Newcastle (Mr. J. Cowen) informs us the Act is the most drastic on our Statute Book, and compares unfavourably with the legislation of any other country. The last Returns showed that something like 50 persons had been placed in confinement, which, according to the hon. Member for the City of Cork (Mr. Parnell), was not of a rigorous description. I have no desire to follow all the arguments that have been used; but after having listened to the language employed by the hon. Member for Cork, I think it is due to the Irish Government that I should say, on the part of my Colleagues and myself, that we are content with, and we stand by, the defence of our Irish policy which was made by the Chief Secretary for Ireland the other night. The debate was resumed, as I understand, on the urgent representations of the Irish Members, and especially of the hon. Member for the City of Cork, that the statements of my right hon. Friend had not been answered because there had not been time. I have not heard to-night any attempt to answer them. The hon. Member for Tipperary (Mr. Dillon) complains in his letter to the Speaker that he is unable to answer the misrepresentations made by the Chief Secretary in the House. It is somewhat hard for the hon. Member for Tipperary that no attempt has been made to explain in what respect his speech was misrepresented by the Chief Secretary for Ireland; and it is rather astonishing, considering that the debate has been resumed for the express purpose, that no attempt has been made to controvert the statement of the right hon. Gentleman, and which has been repeated to-night by the Solicitor General for Ireland, that arrests have been made either on reasonable suspicion that the persons had been concerned in the commission of actual outrages, or concerned in an incitement to a breach of the law. Reference has been made to the arrests of Mr. Dillon and Father Sheehy, and an attempt has been made to prove that those arrests were of a character different from that which was anticipated when the House was induced to pass the Coercion Bill. But no attempt has been made to show that those arrests were not legally made, that the Government had no legal power to make those arrests under the Bill, and that the offence for which the two gentlemen were arrested did not come within the terms of the Bill. If the Government had the power they were bound, in the present state of Ireland, under a very heavy responsibility, to exercise that power. The condition of Ireland, no doubt, has changed since the passing of the Bill. To a considerable extent the Bill has been successful in suppressing secret outrages; but while secret outrages have been diminished or checked within the last few weeks there has been an increase of open resistance to the execution of the law. I am sure hon. Members opposite look upon this state of things with very grave anxiety, as we do, when we see large armed mobs offering resistance to the constabulary and military forces employed supporting the civil power. When we see the military forces attacked, if not with dangerous weapons, at all events with stones and other missiles, we cannot but feel there is an imminent danger of a collision that will be productive of the most serious results. In that case the heaviest responsibility rests upon those who, having the power to arouse or to calm the passions of an excited people, do abuse that power by language calculated to excite them to resistance. Is it possible to suppose that passages such as those read by the Chief Secretary the other night from the speeches of Mr. Dillon and Father Sheehy were not calculated to produce breaches of the peace, and to rouse the people to actual resistance likely to lead to a lamentable loss of life? I have said that great responsibility rests on the Government. Great powers have been placed in our hands, and this House and the country will hold us responsible if, possessing those powers, we neglect to use them in a way as would tend to prevent those distressing events of which we have lately read. An attempt has been made to show that this resistance is justified by the conduct of the landlords in enforcing their rights. But no facts have been brought forward to show that the landlords are using their legal powers improperly. The latest Return of evictions shows the number to be 3,000, and it has been represented by the hon. Member for Galway City (Mr. T. P. O'Connor) that this was equivalent to sentence of death upon 15,000 persons. [MR. T. P. O'CONNOR: I was quoting the Prime Minister.] I know the hon. Member quoted from a speech which my right hon. Friend (Mr. Gladstone) has repeatedly alleged has always been misquoted, and which was made in circumstances altogether different from the present. Now, the hon. Member for the City of Cork (Mr. Parnell) and his Friends, who have the direction of the Land League entirely in their own hands, are preaching the refusal of rent, and have done so for nearly nine months. After they have actually driven the landlords to resort to legal powers, was it to be wondered at that there should be an increase in the number of evictions? The House has to be persuaded that resistance to the law is justified by the conduct of the landlords. Some instances should be given of the circumstances in which these evictions have taken place. But, after all, whatever may be the circumstances of the evictions, it is not, as the Solicitor General has pointed out, the question for us to try. The Government cannot choose in what place they will act, and in what place they will forbear to act. If the landlords use undue powers in the process of eviction that is a question for legislation; it is not a question which, in a Constitutional country like ours, can be decided by the mere will and pleasure of the Government. We are endeavouring to alter and improve the law, though we have not received much assistance from the hon. Gentlemen from Ireland who sit opposite. I am not now speaking of the Land Bill; but the first act of those hon. Gentlemen this Session was to protract the discussion of a measure which the great majority of Parliament thought necessary for the preservation of peace in Ireland for two or three months, thereby postponing for that time the introduction of the Land Bill. And although I admit they have not taken any undue length of time in the discussion of the Land Bill, they have certainly contrived, on various occasions, to raise discussions which have not tended to the progress of that measure through Parliament. Whatever may be the fate of our efforts to improve the law, we hold now, as we have always done, that it is our duty to carry out the existing law as it stands, and not to surrender the powers, ordinary or extraordinary, which Parliament has confided to us, into the hands of the Land League or any other body.

MR. O'CONNOR POWER said, he agreed with the noble Lord that some disappointment might naturally be felt that some direct reference was not made in preceding speeches to the elaborate speech which the Chief Secretary delivered a few days ago. He attributed that circumstance to the fact that several days had elapsed—that perhaps his hon. Friends near him might have been influenced somewhat by the reports of occurrences in Ireland since the delivery of that speech, and wished to direct particular attention to them. Although he listened to every word of the speech of the Chief Secretary for Ireland the other day, the right hon. Gentleman did not convince him, and he believed he did not convince the House of Commons, that the now famous Circular was not a very unfortunate document. The right hon. Gentleman had failed to prove that the action of the Government in respect of the Circular was either politic or just to the people of Ireland, or to the police who were intrusted, at the present time, with very important duties under the Bill for the preservation of life and property in Ireland. He would like to try and present the kernel of the question absolutely before them. What would be the effect of the adoption of the Resolution of the hon. Member for Longford? It was a very ably and a very clearly drawn Resolution. The point which it sought to establish one could apprehend at a glance. It did not strike at the heart of the present difficulty; but it contained a series of negative propositions. It said the Government did wrong there and did wrong here; but the most important part of the Resolution was the concluding section, which declared that the Government were doing wrong in employing the armed forces of the Crown in executing wanton and cruel evictions. He would ask his hon. Friend the Member for Longford (Mr. Justin M'Carthy), who would have the opportunity of replying, how it would improve the situation in Ireland if they affirmed that proposition? They would still have the difficulty before them, because if the Executive Government were not to employ armed forces, the Executive Government must determine what eviction was wanton and cruel in its character, and what eviction might be legitimately carried out. If it were not presumptuous in him he should certainly say that the speech of the Solicitor General was a statesmanlike utterance from beginning to end. The hon. and learned Gentleman really did grapple with the serious difficulty of the situation, and with the difficulty which any Executive Government must have to contend with in a crisis similar to that through which they were now passing. He (Mr. O'Connor Power) would suggest, therefore, that an effort should be made, if it was not now too late, to draw from the Government some more emphatic expression of opinion in reference to the class of evictions which his hon. Friend (Mr. Justin M'Carthy), according to the terms of his own Resolution, thought might not be assisted by the armed forces of the Crown. If the Government exercised their influence in discouraging the exercise of arbitrary powers on the part of the landlord, they might possibly arrive at some *modus vivendi* until the Land Bill was passed. The hon. Member for the City of Cork (Mr. Parnell) had recommended Her Majesty's Government to adopt the advice of the Archbishop of Cashel; and, for his part, he was sorry the hon. Gentleman himself had not adopted that Archbishop's advice with reference to the second reading of the Bill. It would be uncandid not to admit that there was a divided responsibility as to the present condition of Ireland. The true patriot—whether Englishman or Irishman—was the man who would labour to bring about a reconciliation of the two great classes into which the agricultural population of Ireland was divided, but who remembered, at the same time, that no such reconciliation was possible except on the basis of absolute justice. If the Executive Government, by its extraordinary powers, enabled the landlord class in Ireland to obtain the supremacy for a time, the subjection of the mass of the population would be avenged when those extraordinary powers had been withdrawn; and if, on the other hand, this powerful organization, the Land League, succeeded by its power, in any given locality, in inducing those tenants who were not subjected to unjust rents to refuse to pay those that were fair, the landlords would in time be avenged; but they would still be only at cross purposes, and would have made no real advance towards establishing the just rights of either class of the community. There was an important subject included in the Motion which he regretted to see had been lost sight of—namely, the position of the gentlemen arrested under the Coercion Act. He had understood, when it was first intended to draw the attention of the House to this subject, that the action of the Chief Secretary in reference to certain arrests would be discussed, and that the Chief Secretary would be challenged to defend the exercise of those extraordinary powers confided to him in certain cases. Now, considering the powers vested in the Irish Government by the Coercion Acts, he thought the number of arrests which had been made was not very extraordinary, and, when he was in Ireland during the Easter Vacation, he supposed there were not more than 20 men who had been arrested under those Acts; yet the result of his inquiries, even then, was sufficient to convince him that at least two or three innocent men were suffering under the operation of those Acts. He said this in all sincerity, and not because of an extravagant supposition that those intrusted with the powers could exercise them with more discretion or less hardship. He merely stated it as a fact, and as a warning to those who thought that they could exercise such exceptional powers without inflicting gross injustice upon innocent men. He should not think of accusing the Chief Secretary of having been wanting in sufficient consideration of those cases before he signed the Warrants under which those men detained were arrested; but there were some things the right hon. Gentleman might have done which, he thought, he had not done in regard to these cases. He was entitled under the Act to withhold from Parliament all knowledge of the evidence on which the reasonable suspicion was based in connection with these arrests; but he (Mr. O'Connor Power) could not understand why, in any given case, when evidence was laid before the Chief Secretary that a certain person was suspected, an opportunity could not be given to that person, within 24 hours of his arrest, to lay before the Chief Secretary a statement of the grounds calculated in the opinion of the prisoner to rebut the accusations against him. He understood that they were to have a review of these different cases; but he remembered only two cases in which prisoners had been liberated since this Act came into operation. Then it must be borne in mind that the Act was enforced not merely against members of the Land League, who had been charged with violating the law, but it was also put in force against a class of politicians known as Nationalists. He himself was a Nationalist, and he knew two or three young men who were subject to imprisonment under this Act; and, as far as he could learn from their own statement of the case, with the references they had given him, there was no solid ground on which suspicion could be based against them, except the fact that they cherished that sentiment of Irish nationality which certainly had been supported by some of the greatest names that were to be found in the roll of Irish history. He would ask what object the Government meant to achieve by keeping in prison men of National opinions? He was not referring to men whose National opinions were to be defended by force of arms; but to men who merely defended a Constitutional National principle. These men were prisoners who had never taken part in the Land League. He only mentioned these points to show that the Irish Government ought to exercise the powers conferred on them with very great discretion, and that immediately after his arrest every prisoner should have facilities to lay the most ample evidence before the Chief Secretary, so that the Chief Secretary might judge whether or not he had been prudently and reasonably advised. He felt so strongly the inutility of coercive legislation to re-establish peace in Ireland that he should be bound to vote for the Motion if it were persisted in; but he would not recommend his hon. Friend to take a division, because the propositions contained in his Motion were of a negative character, and did not propose any distinct course which the Government should adopt to bring to a termination the present unfortunate state of things in Ireland.

MR. JUSTIN M'CARTHY said, that as to the Motion suggesting no remedy, his hon. Friend who had just sat down, with his longer experience of Parliament, must know that the negative form was one of the conditions of a Vote of Censure on the Executive. They could only say—"In the past you acted badly in such and such a thing; and we feel bound to protest against it." He should, therefore, not fail to go to a division, however overwhelming the majority against him might be. They had been challenged again and again to go to a division, and it had been said that they had refrained because they did not dare to face the opinion of the House. He and his Friends were not so simple as to suppose that by any argument or statement of theirs they could obtain a majority; but they were anxious to get some opinions of theirs placed on the record, in the hope that they might in some way obtain the judgment of the English public and gradually work their way to some substantial good by arousing the sense of the English people outside the House of Commons to the present condition of things in Ireland. He felt satisfied that they had succeeded in doing something to that end, and, for himslf, he should be satisfied with the result if it was only for having elicited the speech of the hon. Member for Newcastle (Mr. J. Cowen), for he could not help thinking that that speech would have an effect upon the English public. So long as it remained unanswered—and it must always remain so —there would be something to go to the country in their behalf to claim the sympathy of the public. The Secretary of State for India had made use of a kind of argument not uncommon in that House. It came from those in authority, and was most unfair and unjust. The noble Lord had charged the hon. Member for Cork City with having used threats scarcely disguised under the semblance of a warning. Where was the justification for this? The hon. Member had warned the Government already more than once, but always in vain. He had now warned the Government most wisely, and it would be well for them to profit by it. The right hon. Gentleman the Chancellor of the Duchy of Lancaster had once been accused of using threats against the peace of the country, because he pointed out that if a certain state of things continued disturbance would be the result. The right hon. Gentleman had made use of a powerful illustration in reply to the accusation, for he asked—

> "If I stand near a volcano and see that an outburst is about to come, that the lava is about to descend, am I to be accused of using menaces because I warn you of the danger?"

That he (Mr. M'Carthy) wished to apply to the speech of the noble Lord the Secretary of State for India. But the noble Lord himself, almost in the next breath, warned Members opposite that if they did not do something he did not know what would happen — that bloodshed would occur, that the forces of the Crown would have to be used. In fact, the noble Lord had used a menace, and his manner was much more like that of a person using a menace than was that of the hon. Gentleman the Member for Cork City. Some hon. Members spoke of healing the breach between the landlords and tenants of Ireland, and had referred to the existing difficulty as though it was a thing of yesterday or to-day. But with the birth of the landlord system came the birth of eviction, and the law had always been against the tenant, and the tenant had always suffered until the Land League had sprung or had been forced into existence. The tenantry had found that if they did not band themselves together for their own salvation, they would have no chance of protection from the law, the Minister, or the Government. That discovery was the author of the Land League—not the hon. Member for Cork or any other single individual. The Solicitor General in his speech had not taken account of the serious nature of this question, with all its traditions. It was not to be settled by an appeal to the ordinary conditions of debtor and creditor, or by asking whether any man was to be allowed to decide for himself what he was bound to pay. No man should have it in his power to say what he was entitled to pay; and no tenant in Ireland would contend under the influence of any organization that he had such a right, if it were not for the fact that the landlords had gone on squeezing what they wished from the tenants, by means of the forces of the Crown. He thought the Irish Members had fairly established their case, and they would be content with the result. He should have been glad if the Chief Secretary had been present to hear some of the arguments. They did not know what weighty business was occupying him at that moment. Perhaps he was concocting another Police Circular, or perhaps leading an attack of the forces on Quinlan Castle. They had heard it stated the only person in occupation of Quinlan's Castle was an old woman; if so, he did not think that was the only castle in Ireland in a similar occupation. The Irish Members were well aware that they would not be in a majority; but they would gladly allow the House to divide. He hoped, however, that they had succeeded in impressing some portion of their case on the minds of the English people, and had done something to bring about that better state of things in Ireland—that reconciliation between all classes, without which Ireland could never be prosperous.

Question put.

The House *divided:*—Ayes 22; Noes 130: Majority 108.—(Div. List, No. 229.)

THE MARQUESS OF HARTINGTON said, it was understood that no other Business would be taken to-night, after the debate had been concluded. There were several Notices on the Paper, and perhaps the best course would be that he should move that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."—(*The Marquess of Hartington.*)

STATE OF IRELAND.

SIR STAFFORD NORTHCOTE: I wish to ask the Government whether they have, in accordance with arrangement come to this afternoon, telegraphed to Ireland, and whether they have received any communication in regard to any of the points on which inquiry was made at the commencement of the Sitting, and on which the Government were not at that time in possession of any information?

SIR WILLIAM HARCOURT: I have received the following telegram from the Chief Secretary in Dublin, dated a quarter-past 8 last evening:—

> "No resistance to the force at New Pallas. Report of Lord Dunsandle's son having been fired at untrue. No report of importance from the provinces to-day."

Question put, and *agreed to*.

House adjourned at half after One o'clock till Thursday next.

HOUSE OF COMMONS,

Thursday, 9th June, 1881.

MINUTES.]—SELECT COMMITTEE—Customs (Outdoor Officers at the Outports), *nominated;* Artizans' and Labourers' Dwellings, *nominated.*

SUPPLY—*considered in Committee*—CIVIL SERVICE ESTIMATES, Class I.—PUBLIC WORKS AND BUILDINGS.

PUBLIC BILLS—*Ordered*—*First Reading*—Burial Grounds (Scotland) Act (1855) Amendment* [184].

Second Reading—Reformatory Institutions (Ireland) [18]; Summary Jurisdiction (Process) [179].

Third Reading—Local Government Provisional Orders (Cottingham, &c.)* [162]; Local Government (Ireland) Provisional Orders (Ballymena, &c.)* [173]; Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.)* [160], and *passed.*

QUESTIONS.

AGRICULTURAL STATISTICS—THE RETURNS.

MR. BIRKBECK asked the President of the Board of Trade, Whether he will endeavour to publish the results of the Agricultural Returns, which are filled up by occupiers of land on 4th June, at an earlier date than has hitherto been done?

MR. CHAMBERLAIN, in reply, said that he thought it might be possible to obtain the Returns in time to publish them at an earlier date than usual, and he was now endeavouring with the officers of the Department to arrange the matter.

MEMBERS OF PARLIAMENT—NEWSPAPER COMMENTS.

MR. O'DONNELL asked the First Lord of the Treasury, Whether, taking into consideration the condemnation of recent publications reflecting upon the conduct and motives of Members of Parliament, he intends to move for the punishment of the persons responsible for the publication in the "Standard" of to-day, and in certain other prints, of statements reflecting on the Parliamentary action of Members of the Irish Party? The hon. Member explained that the Question was altered from the form in which he had at first framed it. He did not complain of statements "reflecting on Parliamentary action," but of "statements of a very gross kind, attributing dishonourable motives," and so forth.

MR. GLADSTONE: I can only say, Sir, that my attention has not been called to any statement in particular, and that we have formed no intention of taking any proceedings in this matter. I must say I think it would require a very strong case indeed to justify our taking action.

THE LAND LEAGUE—GOVERNMENT OFFICIALS.

Mr. ONSLOW asked the First Lord of the Treasury, Whether Her Majesty's Government intend to retain in the service of the Crown, and receiving salaries paid for out of the taxes of the Country, officials holding office under the Land League?

Mr. GLADSTONE: In regard to this Question, Sir, I do not believe that there are persons strictly falling, so far as I am aware, within the designation of officials in Ireland, who are members of the Land League. The only case that I can find to which that description could possibly apply are one of a Roman Catholic priest, who receives simply an allowance for occasional duty, and the other of a collector of Income Tax, who, perhaps, may be described as an official, and who, perhaps, hardly would be a suitable object of penalty. The matter is one of considerable difficulty. I do not think the Question of the hon. Gentleman entirely without ground, because it should be borne in mind that we are not able to say that, according to the actual law of the land as it stands, the Land League is an illegal association. Illegal acts may grow out of its proceedings; but we are not able to say that it is an illegal association. It might be a nice matter, perhaps, even if we were able to say that, to take any proceedings, especially in cases such as are referred to.

TREATY OF WASHINGTON—FISHERY TREATIES BETWEEN BRITISH COLONIES AND THE UNITED STATES.

Mr. MACFARLANE asked the Under Secretary of State for Foreign Affairs, If, seeing that the Fishery Treaties between our Colonies and the United States lead to frequent collisions between the fishermen, and are a source of difficulties to both Governments, Her Majesty's Government will take into consideration the desirability of withdrawing from all Treaties, leaving to each Country the exclusive possession of its own waters?

Sir CHARLES W. DILKE: The provisions of the Treaty of Washington, under which the United States fishermen derive their privileges of fishing in British Colonial waters, cannot at the earliest expire until the 1st of July, 1885, and then only in case notice of termination shall have been given two years previously by either party. Her Majesty's Government are not, therefore, at present in a position to consider the expediency of terminating that Treaty so far as it relates to fishery questions.

PARLIAMENT — RULES AND ORDERS OF THIS HOUSE — ALTERATION OF QUESTIONS.

Mr. O'DONNELL complained of the form in which a Question which stood in his name with reference to Father Sheehy had been put on the Paper. Three-fourths of the Question had been omitted, including by far the most important part of it. He had asked, If the attention of Her Majesty's Government had been called to the emphatic testimony of the ecclesiastical superior of the Rev. Father Sheehy as to his culture, patriotism, and conduct, and his continued exertions on behalf of the preservation of the public peace? He had then asked, Whether the Chief Secretary to the Lord Lieutenant of Ireland would communicate to the House any information as to the character and respectability of the persons whose allegations had given the Government grounds which had led to the arrest and imprisonment without trial of Father Sheehy? He would ask leave to put the original Question on the Notice Paper for to-morrow.

Mr. SPEAKER: The hon. Member is not at liberty to do that, because already the Question which he put on the Notice Paper has been revised in accordance with the Rules of the House, and he cannot put the Question in an irregular form.

Mr. O'DONNELL said, he would seek counsel of the Speaker on the subject, and hoped that he would not be obliged to call attention to the matter on going into Committee of Supply.

RAILWAYS — EXCESSIVE RATES—THE SOUTH WESTERN RAILWAY.

Mr. LABOUCHERE asked the President of the Board of Trade, Whether his attention has been directed to the excessive rates habitually charged by the South Western Railroad during the races at Ascot; and, whether he will state what is the maximum rate which that Company has a right to charge for a return ticket between London and Ascot?

Mr. CHAMBERLAIN, in reply, said, he had examined the Acts of Parliament which laid down the rates which might be charged by the London and South-Western Railway Company, and he found that the maximum rate chargeable was 2½*d.* a mile for first class and 1¾*d.* a mile for second class; and as there was no mention of return fares, and as the distance to Ascot was 29 miles, the maximum rate chargeable would be 12*s.* 1*d.* first class and 8*s.* 6*d.* second class—that was the return fare. He had no official information on the subject; but he was informed that those rates were generally exceeded on the occasion of the Ascot races. There appeared, however, to be a provision in the Company's Act of Parliament the exact terms of which would be rather a matter for legal interpretation—namely, that the regulations with regard to maximum fares should not apply to fares charged by any special or express trains.

LAND LAW (IRELAND) BILL.

NOTICE OF QUESTION.

Mr. O'KELLY gave Notice that on Friday he would ask, Whether the Government intended to demand Urgency for the Land Bill in order to shorten the period that must elapse before remedial measures for Ireland could come into operation?

PALACE OF WESTMINSTER — LIGHTING OF THIS HOUSE.

Mr. DILLWYN asked the First Commissioner of Works, Whether arrangements had been made for lighting the House by the electric light; and, if so, when the experiment would be made?

Mr. SHAW LEFEVRE, in reply, said, that arrangements had been made for lighting the House experimentally with the electric light on the Brush system. He proposed to give hon. Members an opportunity of seeing the effect of the experiment between the Morning and Evening Sitting to-morrow. The light would be turned on at about 8 o'clock. If a general approval was expressed the light would be continued.

PARLIAMENT—BUSINESS OF THE HOUSE.

Sir STAFFORD NORTHCOTE asked whether there was to be a Morning Sitting to-morrow? He would also inquire when it was proposed to begin Business at a quarter past 4 instead of half-past, as at present?

Mr. GLADSTONE said, he thought it had been stated before the Recess that there would be a Morning Sitting to-morrow. With regard to the proposal to commence Business at a quarter past 4, he must await an intimation from the official authorities of the House.

Mr. SPEAKER said, that the state of Private Business was now so advanced that if the House should think fit Public Business for the future might be commenced at a quarter past 4.

STATE OF IRELAND.

Lord RANDOLPH CHURCHILL said, he did not know whether, in the absence of the Chief Secretary for Ireland, he might ask the Home Secretary whether there was any truth in the accounts of a very alarming, but, perhaps, exaggerated, character which appeared in the newspapers with regard to the condition of Ireland?

Mr. SEXTON asked whether the Home Secretary could make any communication to the House which would have the effect of allaying the anxiety in West Cork with reference to the intended arrest of Father Murphy?

Sir WILLIAM HARCOURT: With reference to the Question of the noble Lord, I have received two telegrams from the Irish Executive—one dated yesterday, and the other to-day. The one of yesterday had reference to the alarming rumours—most of which appear to have been unfounded—as to the condition of things in Ireland. The telegram of yesterday was to the following effect:—

> "Newspaper reports of the riot at Schull, Skibbereen, and Ballydehob, much exaggerated. District now quiet."

The telegram of to-day from Dublin, dated 2 o'clock, is as follows:—

> "Nothing of significance has occurred since yesterday in County Cork. Two lengths of rails were displaced yesterday near Drimoleague, but have been replaced, and trains run as usual. The wire near Ballydehob has been again broken. Latest reports represent all quiet. No serious outrages reported."

With reference to the Question of the hon. Member (Mr. Sexton), I have a letter from the Chief Secretary, in which he says—

> "The riots in West Cork were owing to a perfectly unfounded rumour that we intended arresting a priest. We had no such intention; but these rumours are tricks to excite the people."

That is all that refers to the circumstance to which the hon. Member has alluded. From these two telegrams the House will gather that a great number of those reports which have appeared in the newspapers are, as regards their details, exaggerated—are reports of a highly sensational character; and I only hope that hon. Members will not assume, because they see them in print, that they are founded on fact.

Mr. TOTTENHAM asked whether it was true that General Hamilton, commanding in the district, had asked for a large additional force of Cavalry?

Sir WILLIAM HARCOURT: I cannot say; but I hope that in saying that it will not be assumed that we are without information. The hon. Member, and others, the other day blamed the Government for not knowing all the circumstances about Lord Dunsandle's son. It is rather hard upon the Government, and, if the hon. Member will excuse me for saying it, rather an Irish proceeding to expect that the Government should be acquainted with all the circumstances of attacks which never occurred. I have stated to the House fully all the information which I have received, and the words of the last telegram which I read show that nothing of serious consequence had occurred in the course of the preceding 24 hours. The noble Lord (Lord Randolph Churchill) seems very anxious that we should know all the circumstances of supposed acts which have not occurred. We assume, when the Government in Ireland informs us that there is nothing serious, that these reports are exaggerated and unfounded.

Mr. CARBUTT said, the Home Secretary had read a telegram intimating that two rails had been pulled up; but it was stated in the morning papers that no rails had been pulled up, and that only some ballast had fallen on to the line and caused an obstruction.

CYPRUS—THE PAPERS.

Mr. RYLANDS asked when the Under Secretary of State for the Colonies would be able to lay upon the Table a statement of the Revenue and Expenditure of the Island of Cyprus; and, whether he would be able to accompany it with Papers showing the present financial and administrative condition of that Island?

Mr. GRANT DUFF: I shall be able to lay on the Table Papers relating to Cyprus very soon, and before the Motion relating to the affairs of that Island comes on.

PARLIAMENT—ABSENCE OF MINISTERS.

Sir H. DRUMMOND WOLFF asked when the Chief Secretary to the Lord Lieutenant of Ireland would be in his place in the House; and, whether the Secretary of State for War ought not to be present to answer Questions referring to the disposition of troops in Ireland? Such a Question had just been put by the hon. Member for Leitrim.

Mr. GLADSTONE: The Secretary of State for War will be in his place to-night, and the Chief Secretary for Ireland will, I hope, be in his on Monday. The hon. Member for Leitrim only repeated a report, and did not bring forward any verifying circumstances whatever; and I am not at all sure that the Secretary of State for War or for any other Department would be prepared to answer a Question of that kind at a moment's notice.

BRIDGES (IRELAND)—BANDON RIVER BRIDGE.

Mr. E. COLLINS asked Mr. Attorney General for Ireland, Whether he will take into consideration a memorial addressed by one hundred and fifty ratepayers of the baronies of Kinsale and Courcies, on the 7th May, to the Lord Lieutenant, praying that he may direct such measures to be taken as the Grand Jury Laws admit of to expedite the completion of the bridge across the Bandon River near Kinsale, the construction of which has been delayed long beyond the period allowed to the contractor by the original terms of his contract; whether the Act 6 and 7 Will. 4, c. 116, does not provide that, in a case of urgent public necessity, the Commissioners of Public Works may, on application of the Postmaster General, and with the consent of the Lord Lieutenant, cause the bridge in question to be made available for traffic; whether, in view of the loss of one-half the trade of Kinsale, as alleged by the memorialists, caused by delay in construction of the bridge, this is a case for the intervention of His Excellency the Lord Lieutenant, under the stipulations of the Act 6 and 7 Will. 4, c. 116; and, whether he will cause inquiry to be made into the circumstances, to remedy, if it be practicable, the mischief complained of?

The ATTORNEY GENERAL for IRELAND (Mr. Law): The Memorial referred to in the Question of the hon. Member has already received full consideration at the hands of His Excellency the Lord Lieutenant, and a reply has been sent to the Memorialists informing them that the matter was not one in which His Excellency could properly interfere. I may add with regard to the work generally that I have seen a Report from the County Surveyor, from which it appears that the time allowed by the contract for the completion of the work only expired on the 1st of April last; and that the work was delayed by the extreme severity of the last two winters, coupled with the fact that several of the screw piles upon which the bridge is to rest were carried away by a passing schooner. The Grand Jury, taking these circumstances into consideration, have not considered it fair or expedient to prosecute the contractor; but have directed him to use every effort to complete the bridge as soon as possible. This he is doing, employing as many men as can be usefully employed upon the work, and I am informed that it is progressing rapidly. Meanwhile there is no delay in the transmission of the mails, as they are carried across the river by another route.

STATE OF IRELAND—EVICTIONS ON LORD ANNALY'S ESTATE.

Mr. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is a fact that evictions upon a large scale have been and still are taking place on the Rathcline Estate of Lord Annaly in the county of Longford; whether these tenants suffered severely during the late seasons of distress; whether it is a fact that the house of one of the evicted tenants, Mrs. M'Dermott, of Gurteen, was burnt down by those acting on behalf of Lord Annaly; and, whether Mrs. M'Dermott is now an inmate of the Mullingar Lunatic Asylum?

Mr. TOTTENHAM wished, before the right hon. and learned Gentleman answered the Question, to ask whether the agent on the estate of Lord Annaly had not repudiated all knowledge of the house of Mrs. M'Dermott having been burned down; whether she had not been several times in a lunatic asylum, and discharged each time as cured; whether the eviction was not undertaken in the interests of the poor woman herself, who was being ill-treated by her family; and, whether she was not now in the enjoyment of a pension from Lord Annaly?

The ATTORNEY GENERAL for IRELAND (Mr. Law): It is not a fact that evictions on a large scale have been, and still are, taking place on the Rathcline estate of Lord Annaly, in the county of Longford. From the beginning of 1880 up to the present time—that is to say, during the last 18 months—there have been only four cases in which those evicted were not re-admitted as tenants; and in two of these the evictions were from farms held by tenants who held also and lived on other farms which they still retain. At present there are but two evictions pending. In one of these cases, the father of a tenant, evicted last July, has hitherto been allowed to occupy the holding pending redemption by the son. Now, both are to be turned out, as the farm has not been redeemed. In the other case the tenant has two farms; from one of these, on which there is no dwelling-house, he is to be evicted, and I understand he is quite satisfied to give it up. The tenants on this estate no doubt suffered some distress during the bad season of 1879-80, in common with many others in the county of Longford; but not more than the tenants on the surrounding estates, and not so much as some of them. The Mrs. M'Dermott referred to is not an evicted tenant. The farm had been let to her son, Michael, for six months, pending redemption by the original tenant, and she lived with him. Michael M'Dermott was ultimately evicted in March, 1880, with a view to having the farm divided between himself and his elder brother, John; but he would not agree to this arrangement, and thus, while John got and holds the part given to him, the part intended for Michael remains still vacant. Lord Annaly's agent states that he knows nothing of the dwelling-house being burnt, and that he does not believe anything of the kind took place. Mrs. M'Dermott had become insane long before the eviction. In fact, the poor woman had been several times deranged. She was placed in the Mullingar Asylum at the commencement of the present year, and I understand was there treated so successfully that she was discharged, cured, on the 6th instant. Lord Annaly has settled a pension of £10 a-year upon her, and provided her with free lodgings for her life.

IRELAND — THE ROYAL CONSTABULARY—REGISTER OF SUSPECTED PERSONS.

Mr. O'KELLY asked Mr. Attorney General for Ireland, Whether there was any foundation for the statements published that a strict and confidential Circular had been issued to the superior officers of the Irish Constabulary, enforcing the necessity of their entering on a register the names of persons suspected of committing crimes and of the crimes they were likely to commit?

The ATTORNEY GENERAL for IRELAND (Mr. Law), in reply, said, the supposed discovery of this Circular was a mistake. No such Circular had been issued, and the words referred to were a portion of the ordinary Code of the Constabulary, which had to act as a detective force, as well as for the protection of the peace.

ORDER OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS) — THE NEW FRENCH GENERAL TARIFF.

RESOLUTION.

Mr. MONK rose to call attention to the new Commercial Tariff promulgated by the French Government on the 8th day of May. He made no apology in taking the earliest opportunity of bringing the question before the House, and he could not imagine a more legitimate subject for discussion before going into Supply, as it was a matter which intimately concerned the great commercial interests of the country. It might be objected that a Commission was sitting at the Foreign Office to consider the question of renewing the Treaty, and it was popularly supposed that this Commission was already engaged in negotiations on the subject; but certainly 24 hours ago the bases of a Treaty had not been agreed upon by the French Government, and negotiations were confined to the preliminary inquiries necessary before the negotiations for the Treaty could be commenced. Therefore this was the best time for ascertaining the views of the Government on this subject; and what were the demands and necessities of the great manufacturing communities of this country. It was unfortunate that so much uncertainty should exist with regard to the views and intentions of the French Government. They thought they knew what those intentions were last year, when M. Léon Say, then the Representative of the French Government at the Court of St. James's, proposed certain bases for negotiations, that were, on the whole, well received in this country. If the negotiations now being commenced could be conducted on those bases, nothing could be more satisfactory to our commercial community. He begged to remind the House that the Government of this country had not complained of existing Treaties, though he must admit that the Yorkshire and other manufacturers had on various occasions demanded a further progress towards Free Trade than it seemed possible under the existing Treaties. Nor did such a concession on the part of France seem improbable; for, when M. Léon Say made proposals last year for a renewal of the Treaties of Commerce with certain modifications, one of the bases of his proposals was "the development of commercial relations by a further reduction of Custom duties." But it was not too much to say that at the time when the debates were going on in the French Chambers with regard to the new Commercial Tariff, various sinister rumours prevailed as to the intentions of the French Government, and nothing which had occurred during the last 20 years had done so much to disturb the feelings which happily existed between England and France as the promulgation of that new

Tariff. The new Tariff was not based on those principles which were approved by the French Government through the mouth of M. Léon Say last year, and it was at variance with the principles of the Cobden Treaty, which was concluded in 1860. Not only had the mode of levying the duties been altered, but in many cases there had been a great increase in the duties themselves. He believed that no hint of the coming reaction had been given to the British Foreign Office. It was at first a matter of congratulation to us that so ardent a Free Trader as M. Tirard had been appointed Minister of Commerce, and that M. Challemel-Lacour, another disciple of Mr. Cobden, had been sent as Ambassador to this country. What, then, were the changes which were to come into operation, when the Treaties of 1860, 1873, and 1874 expired? The *ad valorem* duties had been converted into specific duties. That was a change which would be very injurious to commerce generally, and especially to the commerce of this country. He did not know that they had any right, perhaps, to raise any strong objections to that change if this country was not in other respects to be prejudiced by it. If duties by weight could be assimilated to those charged according to value, he did not think the country would have any reason to complain; but he was afraid that if they looked a little into the new Tariff they would find that this change had a seriously prejudicial effect —that not less that 50, 100, and even, in some cases, 250 per cent increase had been placed on articles of British manufacture. Naturally, the surprise felt in this country was very great at the promulgation of the new Tariff, so soon as our Chambers of Commerce had had time to examine it, and had found how greatly the interests of this country were prejudiced. What did they find? Not only had the *ad valorem* duties been converted into specific duties which pressed on the inferior description of goods, upon woollen fabrics and carpets, and upon most of the Yorkshire industries, but the rich were benefited at the expense of the poor, inasmuch as a higher duty relatively was charged upon inferior and heavier articles than upon the lighter and more costly fabrics. The French Legislature had largely increased the duties upon some classes of goods; upon some of the classes of linen yarns to the extent of 50 to 100 per cent; upon some woollen yarns 90 per cent; upon unbleached linens from 24 to 50 per cent; upon silk tissues 24 per cent; and on cotton tissues, with regard to the lighter fabrics, 100 per cent; while the duty upon iron and steel had been so largely increased as to make it almost impossible for this country under the new Tariff to export them. The duties of 2f. per 100 kilos. upon pig iron and of 6f. per 100 kilos. on iron and steel rails were almost, if not quite, prohibitive. The duty also upon scented soap had been doubled, and upon starch it had been almost quadrupled. He had quoted enough to show that a considerable increase had been made. It was true that in some few instances the duty had been diminished, while in others it had remained unchanged; but those were details for the consideration of the Commission now sitting at the Foreign Office. The general character of the new Tariff to which he wished to call the attention of the House he thought, it must be admitted, was scarcely such as they had reason to expect from the friendly assurances they had received from the late and the present French Ambassadors. He saw no reason to complain of the manner in which the Government had hitherto acted. The letter written by Lord Granville to M. Challemel-Lacour on the 10th of May last suggested the very least that the country had a right to expect—namely, that the *status quo* would be continued. He had received many communications, and he knew that the Foreign Office had received many communications, from the Chambers of Commerce in Yorkshire and other parts of the country, expressing an earnest hope that the Government would not be satisfied with the *status quo*, that it would demand some progress in the direction of Free Trade, and that this country should not be placed in a worse position than it had hitherto been in under the existing Treaties. His hon. Friend the Under Secretary of State for Foreign Affairs might say that the Chambers of Commerce in this country were not quite agreed as to what the Government ought to demand; but, at all events, his hon. Friend would not deny that the Government had a right to demand and insist upon what Lord Granville asked for—namely, information as to the intentions of the French Government, and an early reply to the inquiry as to how far they intended to meet us, or whether they intended to meet us at all or not. Some of the Chambers of Commerce had memorialized the Government in favour of a further advance in the direction of Free Trade, having based their expectations of such an advance on the declarations of the French Ambassador a year ago. Others had raised objections to the negotiation of any Treaty that did not go far beyond that negotiated by Mr. Cobden; while others had suggested that future Treaties should be determinable after 12 months' notice at the option of either party. The Government, however, had declined to act upon that latter suggestion, on the very intelligible ground that its effect would be to keep trade in a constant state of uncertainty. Still, the feeling existed that there might, perhaps, be no advance on Mr. Cobden's Treaty, and that after 20 years it was not unreasonable to desire something more favourable to our own interests. For his part, he desired nothing better than a Treaty negotiated upon the basis of that proposed by M. Léon Say last year; but he feared that the French Government had not arrived at any such basis—in fact, he should be surprised to hear that they had arrived at any basis whatever—as he feared that the coming elections in France had had something to do with the re-actionary character of the new Tariff. Although there were some Free Traders in the French Ministry, he feared their constituents were not. France was not yet alive to the advantages it would derive from Free Trade; and, in consequence of the step taken by France, doubts had been raised in this country from quarters where one would least have expected them as to the advantage of Free Trade. Considering all the circumstances under which the new Treaty was being negotiated, he would suggest that the Government, in order to avoid some of their difficulties, should urge upon the French Government a renewal of the existing Treaty for another 12 months, so as to secure ample time for dealing with the question. He was aware that the Government had already taken steps to ascertain the wishes and the necessities of the various commercial interests. But in a matter of this kind, where there were some 600 articles to be examined, it was impossible that that could be done satisfactorily in a few days or a few weeks. Therefore, though the French Government had refused to renew the Treaties for a limited time, he thought that, under the circumstances, our Government had a right to demand that that course should be adopted, as he felt sure it was one which would be generally acceptable to the country. It was almost impossible to ascertain exactly what the equivalent in specific duties would be to the existing *ad valorem* duties; but in every case where the duties were imposed under the specific system they must press more heavily upon the cheaper articles, and make their exportation to France absolutely prohibitory. Whatever might be the intention of France, this country could afford to wait. If France were anxious to conclude a Treaty with this country before entering into negotiations with other countries, that was her affair; it did not rest with us to complain. But we should complain if France was not ready and willing to meet what we considered to be our just demands. He begged to move—

> "That this House views with regret the re-actionary character of the New French General Tariff, and is of opinion that no Commercial Treaty between Great Britain and France will be satisfactory which does not tend to the development of Commercial relations between the two Countries by a further reduction of duties."

Those were almost the identical words used in the letter of Lord Granville to the French Ambassador on the 10th of May. He did not think there was a Member of the House who would object to the terms of the Resolution; and it was one which he recommended heartily to the acceptance of the House and of his right hon. Friend the Prime Minister.

MR. SERJEANT SIMON, in seconding the Resolution, said, that the subject with which it dealt was of great concern to that part of the country with which he was connected. When the late Government was in Office he attended a large deputation on the question. It was then said that what the French Government demanded was some revision of the Wine Duties, and that if we admitted French wines at lower duties a satisfactory arrangement would be assured. Matters, however, had taken a different turn; but even at the time of which he spoke the deputation to which he referred pointed out to Lord Derby the fatal effect the change from an *ad valorem* duty to a specific duty would have upon the trade of certain portions of Yorkshire. They had had also deputations to the present Government. He attended one representing 11 Chambers of Commerce from Yorkshire, and the whole subject was gone into in detail. The staple manufacture of the district he represented was heavy woollens, and a large and important portion of that trade was the class of goods called "shoddy," and which was more particularly identified with the borough he represented. This class of goods was of a low description, and could bear only a small profit. The effect of imposing a specific duty upon this class of goods would be to annihilate the trade altogether. Miles upon miles of villages and towns were engaged in the heavy woollen manufacture, including these particular goods, and it supported a population of hundreds of thousands. In fact, from the time you crossed the border from Lancashire into Yorkshire until you got to Leeds, you travelled through a succession of villages and towns and townships all engaged, more or less, in that manufacture. The deputation placed these facts before the Minister, and showed in detail how fatal the new Tariff would be to the trade of the district. Things had come to such a pass that he had heard it stated in his own district that the manufacturers would rather have no Treaty at all than the Treaty now proposed. In fact, he was sorry to say that a strong feeling was growing up in favour of what was called Reciprocity. With that view he did not agree; but nothing had tended to stimulate the feeling so much as the new Tariff proposed by France. It had disappointed them all. It had been supposed that the Treaty of 1860 would develop the principles of Free Trade; but they found the French, under a free and Constitutional Government, receding from that position, and going back to the old Protectionist policy. Under these circumstances, he hoped that the Government would never agree to a Treaty which would seriously affect, if not destroy, the industries of a very considerable portion of the country by changing the *ad valorem* for specific duties.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House views with regret the reactionary character of the New French General Tariff, and is of opinion that no Commercial Treaty between Great Britain and France will be satisfactory which does not tend to the development of Commercial relations between the two Countries by a further reduction of duties."—(*Mr. Monk,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR CHARLES W. DILKE: I must congratulate my hon. Friend (Mr Monk) upon the tone and temper in which he has brought forward the subject, representing, as he does, the commercial bodies through the United Chambers of Commerce, with which he is associated at present, and representing, therefore, gentlemen who are not all agreed among themselves, and many of whom have used very strong language indeed with reference to the Treaty. If it is the intention of the Government to vote for going into Supply, and not to support the Amendment, it is not to be understood that they do not almost entirely agree in the terms of the Amendment. I cannot but think that it would hardly be a dignified position for the House, at a moment when negotiations in which two of its Members are taking an active part, to pass a Resolution dealing with the subject of the negotiations; therefore I would ask the House not to pass the Amendment of my hon. Friend. My hon. Friend had said he could not believe that we are actually in negotiations, and that we are rather dealing with the preliminary questions. That is not the case. We are actually engaged in negotiations, but on a basis which is not in the possession of the House, and which cannot be put in the possession of the House at present. The basis of the present negotiations is a draft Conventional Tariff which has only been confidentially communicated to us by the French Government; and that being so, we cannot place the House in possession of the latest form of the proposal of the French Government. We have already in the sittings of the Commission dealt, not finally but in much detail, with the subjects of iron and steel, chemicals, pottery, and also certain articles, such as varnish, perfumery, salt fish, and a large number of miscellaneous items. My hon. Friend assumes, and my hon. and learned Friend who seconded the Amendment also assumes, that the House is already in possession of the basis upon which the negotiations are taking place. My hon. and learned Friend the Member for Dewsbury spoke of a Treaty such as that which is now proposed; but I repeat that the House cannot yet be put in possession of the communications or of the Treaty which it will be for us ultimately either to accept or reject. My hon. Friend the Member for Gloucester has spoken as if we were face to face with a proposal of reverting to the *status quo*, which would give us a worse state of things than now exists. One of the great difficulties of the matter in which we are engaged is, that while the proposals before us are worse upon a large number of items, they are better also on a large number of items than the actual *status quo;* and it will be our duty to carefully consider which are the articles on which British trade will chiefly lose, and which are the items on which it would be to our advantage that we should sign a Treaty or not. It cannot be assumed that the proposals of the French Government are formal proposals for making the state of things worse than they are at the present time. My hon. Friend assured me that the duties on iron and steel will be increased. That is not the case, upon the facts in possession of the House. Taking iron and steel as one whole class, there is a considerable reduction of duties proposed, although it is quite true that owing to the lowering of the price of iron and steel since the Treaty of 1860, which was thoroughly carried out in 1864, the effect of the duties now proposed will not be so favourable to British trade as the effect of the duties of 1864 at the time when they came into operation. The price of steel has so greatly fallen since 1864 that a very considerable reduction of duties will be far from being an improvement upon the state of things which existed in 1864; but as compared with that which existed at this moment it would be a very considerable improvement indeed. I understood my hon. and learned Friend (Mr. Serjeant Simon) to denounce the change from *ad valorem* to specific duties. [Mr. Serjeant SIMON: On woollen goods.] My hon. and learned Friend is quite right in making a strong protest on behalf of the woollen goods in the district which he represents. There is no doubt that that important manufacture, "shoddy," or, as the French call it, *renaissance*, is very heavily hit by almost any conceivable change from *ad valorem* to specific duties. It is so cheap that it is difficult to adopt classification at a rate which will admit the cheapest of these articles on any fair terms; but it seems to me there is a general strong case to be made out on the side of those nations which are adopting specific instead of *ad valorem* duties, and that is the prevalence of fraud under the *ad valorem* system. There is no doubt that the question of fraud has been greatly exaggerated. Statements are put forward by foreign Governments which are not borne out by the facts; but no one is prepared to deny that there is a good deal of fraud, and great difficulty has been experienced by this country in suggesting means of preventing fraud, which would be consistent with the retention of *ad valorem* duties. Therefore it is that we have asked all interests in this country who would be affected by a change from *ad valorem* duties to specific to try and see whether it is not possible to adopt a classification of goods, rates, and duties by which trade might continue to exist, and allow trade to be done in these cheap goods of which the bulk of the trade of this country now consists. It is, perhaps, to be regretted that we should be so greatly excluded as we have during recent years from the trade in the dearer articles; but we must bear in mind that the trade for some time has been in those cheaper goods, and it is on these cheaper articles that the specific duties will press most heavily, and it is to our interest to look around and see if we cannot get a scheme by which the trade in these cheaper goods will exist. I admit that if there is such a classification as to exclude our goods, it would be the duty of the Government of this country not to conclude Treaties which would practically extinguish the existence of certain trades. Therefore, I must ask my hon. Friend and those who think with him to trust Her Majesty's Government, and to believe that we are thoroughly aware of the importance to this country of the trade in cheap goods, and that we shall insist on the trade in these goods continuing. I may point out that when my hon. Friend talks about the enormous increase of duties under the new French Tariff he is guilty of some slight exaggeration. For instance, with regard to linens, he spoke of 80 or 100 per cent increase; but, on an average, the increase would not be more than 32 or 33 per cent.

MR. MONK: I did not speak of the average, but of a certain class; and I took the figures from the Returns of the Board of Trade.

SIR CHARLES W. DILKE: When my hon. Friend spoke of an increase of 250 per cent he was not speaking of linens. There is no doubt that in any adoption of specific instead of *ad valorem* duties you must have a considerable increase. What we have to look to is that the duty shall be a real average duty, and not a pretence. Although there must be an increase of duty on some goods—and it is exactly on that point that we have received enormous assistance from visits to London of those who are in a position to know the facts—we are unable at the present moment to state what are the intentions of the French Government. My hon. Friend said it was necessary we should know their intentions; but that is exactly what we are engaged in finding out. At the present moment we know their intentions upon the Tariff on iron and steel, and with regard to the chemical trade; but we do not yet know their intentions with regard to the most important trades of this country, the textile trades—linen, cotton, and wool. I can assure my hon. and learned Friend the Member for Dewsbury that there is no subject which will be more carefully handled than that of the woollen trade, which he represents. Probably the strongest case in this country as against both the new French Tariff, and as against the draft Conventional Tariff, lies in the woollen industry; and it is upon that head probably, much as we shall have to say with regard to linen and cotton, that we shall found our strongest case. I have only to say one word with regard to the prolongation of the Treaty. Of course, it is necessary that we should have plenty of time for our negotiations, and that we should hear the deputations of various trades; but, at the same time, we have not yet found ourselves actually driven into a corner. We have been enabled to keep pace with the discussions of the French Commissioners in the argument of our own case. We have found ourselves able to satisfy the Commissioners on the general discussion, and also in another portion of the day to meet the English manufacturers and to hear their views on the points which we are discussing. Up to the present time we have not got a stronger case for prolongation than that which we had when we made the demand which the French Government refused. But I can assure my hon. Friend that as the time goes on, if the strength of our case should increase and the negotiations continue, there is a chance of a Treaty being signed. Then, undoubtedly, we would feel it our duty to ask for a prolongation. I can assure my hon. Friend that the facts he has brought before the House will be borne in mind.

MR. BOURKE said, it was clear from what had fallen from the hon. Gentleman the Under Secretary of State for Foreign Affairs that they could hardly be in a position to carry the question to a division, although he must say he did not think the Government or the country would lose anything by adopting the Resolution of the hon. Member for Gloucester. It was a Resolution they could agree with generally, and the Government themselves were not really opposed to it. It was quite clear that until they knew what was the Tariff proposed by the French Government, it was impossible to form an opinion upon the Treaty. He warned the Government as to changing the present system of *ad valorem* duties. He was not at all surprised at the House and the country being disappointed at the course events had taken; because they were last year led to suppose that great changes for the better in the Wine Duty and other things were about to take place, and the commercial relations between France and England were to be ameliorated. The House would remember the Questions he asked at the time, and that he had no great faith in the prospects held out to the country. He hoped, however, that the Tariff would be one which the House could adopt. It was said that no Treaty would be desirable unless it were very favourable. Gentlemen throughout the country who made that remark did not, he thought, follow all its consequences. In the commercial position that this country was in, half a loaf was better than no bread; and nothing would be more unfortunate to the commerce of this country than to be thrown back upon the general Tariff of the French Commission.

Mr. A. J. BALFOUR said, he thought that the remarks of the Under Secretary of State for Foreign Affairs afforded, at all events, some gleam of hope to the House. They pointed to the possibility of a better state of things occurring with regard to the Commercial Treaty than they had had reason lately to fear. The issues were of far greater magnitude than those which were involved in mere trade considerations between this country and France, though he was the last person to underrate the importance of the commercial relations between the two countries. He was convinced that unless the Government could put before the House a Treaty which would, on the whole, satisfy the great manufacturing industries of the country, and not least, the woollen industry, in which both agriculturists and manufacturers were deeply and immediately interested, a great controversy would arise on our general commercial policy. If the Treaty were carried out as at present suggested, there would be a powerful feeling thoughout this country that our commercial policy had been based on a mistake. What had that policy been? We had taken into consideration nothing but our own Revenue. We had so simplified our system of taxation that our whole Revenue came from one or two sources. We had nothing to offer to foreign countries in exchange for Commercial Treaties. It would be difficult to contend that we had anything to offer to the French Government to induce them to make arrangements favourable to our trade. If Her Majesty's Government, in consequence of this state of things, could not bring their negotiations to a successful issue, undoubtedly a feeling would arise in this country that Free Trade was a mistake, He did not believe that Free Trade, properly understood, was a mistake; but he wished to point out that retaliatory Duties, whether good or bad, were not inconsistent with Free Trade if they induced foreign countries to adopt Free Trade principles. There was a meaning of the term "reciprocity" which was not inconsistent with Free Trade. He did not say they ought to adopt reciprocity. He knew there were grave objections to it, and there was a fear lest any Government who should wish to adopt that policy would not be able to resist pressure in favour of Duties not purely retaliatory, but protective. He foresaw the possibility of grave difficulties in the future; but he trusted that these would be prevented by the ratification of a Commercial Treaty with France, which would be for the benefit of the commerce of both countries.

Mr. SLAGG said, he would not follow the hon. Member for Hertford (Mr. A. J. Balfour) in his arguments on the question of reciprocity. The theory of reciprocity would not receive acceptance from any Government in this country. He could not for a moment deny that the indignation of the people at the treatment they received from foreign countries might press them into the unreasonable course of urging the Government to recur to retaliatory Duties; but that the course would ever be adopted by responsible economists in this year of grace 1881 he found it impossible to believe. He was glad to hear that the basis of the negotiations with the French Government was of a more favourable nature than that indicated in the proposed French Tariff. He hoped it was not only more favourable, but of a wholly different character from what had previously been set before the country, for it must be apparent to anyone who had the slightest knowledge of the matter that the original proposals were not only wholly unfit to form a basis of negotiations, but were deliberately designed to prohibit trade between the two countries so far as our exports were concerned. In regard to his own district, the proposals of the French Government were ingeniously designed to blot out every possibility of trade in connection with the textile industries. In the case of plain cotton goods, which already paid from 17 to 23 per cent, there was an addition proposed of 75 per cent; and in the case of print goods there was not only an addition proposed of about 150 per cent, but a new classification was introduced of a most difficult and complicated character, designed not only to increase enormously the incidence of the Duty, but calculated to produce Custom House difficulties of a very onerous description. He thought a great deal too much had been said by the French as to the question of frauds. He would not admit that the frauds which had taken place justified in the slightest degree a resort to the barbarous system of classification. It would be perfectly easy, by arrangements at the different centres of export, to prevent any possibility of fraud under the *ad valorem* system. He was very sorry indeed to find, after 20 years' experience of the benefits of a modified application of Free Trade principles, the French in their present attitude. It was to be deplored that a country which had made such marked progress in many other respects was not only stationary, but to some extent even back-sliding, on economical matters. Those gentleman who had been sent over to this country as French Commissioners, and who were supposed, in theory at least, to be charged with the mission of extending the commercial relations between the two countries, were themselves the framers of this barbarous and protective Tariff. What could they hope from gentlemen who had exercised all their ingenuity to cancel the possibility of exports from this country? What could they hope from them, as negotiators of a new Treaty, to extend our commerce? He agreed that if it were possible to delay the negotiations till the new French Chamber was elected, they would have a much better chance of obtaining a good Treaty; and it seemed eventually that the Treaty would have to be submitted and approved by the new Chamber. His standpoint was that no protection was needed by the French, for the time had really arrived when we should have perfectly free exports from this country to France. He was convinced that in regard to all the industries in which France stood in a position of rivalry with this country, the French manufacturers were nearly abreast of us; and when it was proposed to put a large increase of duty, on fine yarns, for instance, he had to point out that the French were already quite our equals in that industry, French yarns of best quality being at this moment sold in the Nottingham market in competition with English produce. Then, with regard to the protective duty on plate glass, he noted that the French manufacturers of that article were largely exporting it to England, and under-selling us, not only in foreign markets, but in our own English markets. He did not think we should attempt either to beg of, to cajole, or to threaten the French Government. If the French had not learned the value of Free Trade principles, even in a modified form, he was afraid no Treaty would teach them. We must ask not only for a reduction, but a very substantial reduction, of the present Tariff duties; and if we failed to obtain that, the Government had only one course to pursue—namely, to throw up the Treaty altogether, leaving the French to learn by bitter experience the value of what they would thus lose. He should be very sorry indeed to see a large portion of our trade swept away; but rather than make a sham Treaty, imposing duties which were wholly unnecessary in the present situation, he would abandon the Treaty system altogether. He would let principle take the place of expediency; and leave the French to find out, as they assuredly would, not only the value of our trade to them, but the enormous and far greater value of their trade in exports to us.

Mr. ECROYD said, he wished to express the very strong feeling which he entertained in regard to the important question now under negotiation between Her Majesty's Government and the Government of France. He had always highly valued the influence of Commercial Treaties in promoting good feeling between nations; and whatever might be the result of the present negotiations, they must look back with extreme satisfaction upon the results of the friendly intercourse between this country and France, which had followed the Treaty negotiated by Mr. Cobden. But Commercial Treaties could only conduce to mutual good feeling between nations when they resulted in a disposition to continue to progress in the way of increasing the interchange of productions; and if at the end of 20 years' experience the state of things in France was such that there was not a disposition to value an increased interchange of productions with England, then one of the great objects of Commercial Treaties had in that case failed, and he should be indisposed to attach much value to the negotiation of a new Treaty under such circumstances. But progress in friendly relations and towards the enlargement of the area of Free Trade were great things in the granting of Commercial Treaties; and he was not without hope that they might yet, by the exertions of Her Majesty's Government, be attained in the present instance. But it must be remembered that if such Treaties were only accepted by France, or any other nation, as encouraging their Protectionist course of action by freeing them for a term of years from retaliatory duties, they were distinctly doing harm, and retarding the progress of Free Trade in the world. He therefore hoped that, rather than negotiate a Treaty with that country which might have the effect either of narrowing the trade of the exports of English manufactures to France, or of manifesting to the world the fact that the Commercial Treaty negotiated 20 years ago had failed to produce a disposition to go further, the Government would withdraw from the negotiations, and leave manufacturers to transact their business with France as best they might without a new Treaty. In the meantime, he had the best reasons for believing that very large numbers of those engaged in the chief centres of our manufacturing industries were looking with great alarm upon the continual contraction of the markets for their manufactures; and the contraction was at present of a two-fold character, arising from our recent course of commercial policy. In the first place, the area of our foreign trade was being constantly contracted, not only by the increased pressure of Tariffs, which imposed heavier burdens on our goods, but also by the results of those Tariffs in producing that which in many cases they were intended to produce—the establishment of an increasing capacity to manufacture in those Protectionist countries. In consequence, our home trade was being greatly restricted by the successful and increasing competition of foreign countries, and notably by the United States in respect to agriculture. Vast sums of money, which in former times were paid by the industrial masses of this country to the agricultural populations of Great Britain and Ireland, and which came back again through the shopkeepers and tradesmen in the form of increased home trade, were now increasingly paid to foreign nations, who would not take back our goods in exchange. He believed that unless a very efficient remedy could be found for this condition of things, it would in the long run produce a large amount of discontent, which might lead our industrial population to demand distinctly protective measures—measures, perhaps, of a highly and rashly injurious character. He therefore entertained a strong hope that the result of the negotiations between the Governments of England and France would be to give a ray of encouragement to our manufacturing population, and to inspire a hope that Free Trade might yet grow on its present lines, and that the French would, in some form or other, consent to give us a Treaty which would manifestly be a progressive step towards increasing trade with England.

Mr. ILLINGWORTH said, the question was whether we were to abandon a Treaty in order to bring foreign Governments into better commercial relations with our own. As the Representative of a large industrial community, he supported the views which had been put before the House by the hon. Member for Manchester and the hon. and learned Member for Dewsbury. He did not think it would be to the interests of Free Trade either in France or in England that England should accept a Treaty with France which was at all retrograde in its character. It was, no doubt, true, as the Under Secretary of State for Foreign Affairs had urged, that manufacturers must not fix their attention on a few articles, but must look at the general range of the Treaty; and, speaking generally, he believed that the simplest course for the Government would be to say to France that if the terms on which the Treaty was to be negotiated were not substantially as good as the present conditions they would prefer that no Treaty should be entered into. The difficulty with regard to these high foreign Tariffs was not that the people on the Continent or of America were enamoured of the principles of Protection. It was their financial necessities which obliged their Governments to get money in the most objectionable and unscientific fashion they could indulge in. ["No, no!"] He would ask hon. Members who seemed to dissent how it was that of late years those foreign Tariffs had been so much raised? At one time they had a comparatively moderate Tariff with the United States. It was in a great and disastrous war that America found herself under the necessity of obtaining money to carry on that war. And it was obvious that there was no way of raising the taxes which could so easily delude the people and be so easily adopted as by a system of increasing Customs rates. That was true also of Germany and France. It was no doubt the war system all over the world which caused nations to fly to high Tariffs. France and Germany had a much heavier Debt now than before the Franco-German War, and the Protectionists of those countries had taken advantage of it, and played upon the ignorance of the people and brought pressure on the Governments in order that the Duties might be raised whereby it was supposed their own special and sectional interests were benefited. He confessed he despaired of reaching Free Frade through a system of Treaties; and, further, that he was afraid our working classes must be told that it was impossible for them to escape from their share of practical sympathy with the sufferings of other nations. He believed that Providence designed it that distress in one part of the world was not to be escaped by other parts, so long as the war system was kept up. He still believed that Free Trade principles would progress. But when the hon. Member for Manchester (Mr. Slagg) and others urged that it was to be regretted that France had not made more progress in enlightenment of views on the Free Trade system, they must not forget the circumstances under which the original Treaty was carried. It was, on the part of France, more the mind of an individual than the mind of the people that was embodied in the Treaty. The late Emperor of the French was looking to dynastic as well as to commercial reasons, and therefore he was easily induced to enter into friendly relations with this country. It was not to be wondered at that we found the French in their present mood. It could not be forgotten that there were bad harvests in France as well as in this country, and that France had been importing food while the farmers at the present moment were suffering from competition with America and low prices. The difference between France and England was that we were the only country that normally was under the necessity of importing a very large share of the food of the people. We required annually one-third or one-half of the food of the country from foreign sources. That was not the case in America, nor was it the case in France or Germany, except on the occurrence of bad harvests. He was afraid it would be assumed that as he belonged to the commercial classes he had not a very strong sympathy with the agricultural interests of this country. On the contrary, he was most anxious that the land of this country should grow more of the food of the population. That was the first and only weapon by which they could fight foreign countries, and make progress towards universal Free Trade; and he hoped that this Parliment would not separate without giving relief to the agricultural interest in the following direction. He wished to see such a change in the system of land-owning and land-holding in this country as would give the farmer some chance in competition with America. Reference had been made to the decline in the worsted manufactures in this country, and it had been urged that they must look to retaliation as a means of recovering the lost position. But it should be understood that the cause of the decline was that there had been such a change in fashion as had not been known for half a century; and he should be sorry, therefore, if the working classes were led to look to remedies which would be altogether ineffectual and misleading. They could not enter upon a policy of Protection without adopting it all round, and he admitted that the agricultural interest could present the strongest case for it. What they had to do was to set an example of peace and fair dealing in the world, and then urge that policy upon their neighbours. In conclusion, he hoped the Government would not unduly concern itself at the possibility of the miscarriage of the negotiations, for good would probably come out of the abandonment of the Treaty.

MR. CHAPLIN said, that although representing the agricultural interest, he had the strongest sympathy with those to whom this Motion related, and he would therefore give it his support. The hon. Member for Bradford (Mr. Illingworth) said that the remedy for agricultural distress must be found in greater production, and he stated that we imported from one-third to one-half of the whole of the food that we consumed. Why was this? Was the hon. Member not aware that, under the stress of foreign competition, within a comparatively small number of years 1,000,000 of acres of land in England had ceased to grow wheat which used to grow it before? And under the system of Protection France continued to grow at present the same quantity that it had grown in former years. He (Mr. Chaplin) was in favour of Free Trade, and not of the sham trade which now existed. He was not, however, going into the question of Protection and Free Trade; but he might point out that some of the greatest admirers of Free Trade, including the Chancellor of the Duchy of Lancaster, had stated that the number of bad harvests was one of the chief causes why trade was so bad in England at the present time. The value of a harvest, however, depended not altogether on the bulk of the corn that was grown, but on the price it realized. It would be impossible for us to compete with America, even if the land in this country was held rent-free. He was sorry to hear that the Under Secretary of State for Foreign Affairs could not accept the Motion of the hon. Member for Gloucester, because he agreed with his right hon. Friend the Member for King's Lynn (Mr. Bourke) that it appeared to be one which both the Government and the House might accept without any difficulty. It contained nothing objectionable, but it reflected the growing feeling of the country in many districts. A distinct expression of opinion on the part of the House of Commons might have a favourable effect on the conduct of the French Government, and would also tend to strengthen the hands of Her Majesty's Government in the dealings in which they were engaged.

MR. MAC IVER said, he believed in the general desirability of Free Trade if it could be obtained; but the present system was not Free Trade. He asked the House whether the system of receiving foreign produce free of duty, while our manufactures were taxed in foreign lands, was not unjust? By that system we were protecting foreign manufactures to the injury of our own. The reason we could not get from France what was apparently expected by some Members of the House was because the French people were not the fools some of our political economists seemed to think they were. Hon. Members opposite claimed a superior wisdom, and thought that they were the sole repositories of sound principles of political economy, and that all who differed from them were lunatics. He would remind the House that no country in the world was making such rapid strides as America, which was a country that understood its own interests, and where the people were certainly not lunatics, although they happened to hold views in regard to political economy which were not those of hon. Members opposite.

MR. MONK said, the discussion had been of so satisfactory a nature that he would appeal to the House to allow him to withdraw the Motion. [" No! "] He believed it represented the feelings of hon. Members on both sides of the House, and he could hardly doubt that it would be accepted without a division if the House were unwilling to allow it to be withdrawn.

Question put.

The House *divided*:—Ayes 49; Noes 77: Majority 28.

AYES.

Ashley, hon. E. M.
Balfour, Sir G.
Bass, H.
Brassey, H. A.
Brinton, J.
Causton, R. K.
Cavendish, Lord F. C.
Chamberlain, rt. hn. J.
Childers, rt. hn. H. C. E.
Chitty, J. W.
Cohen, A.
Collings, J.
Colthurst, Col. D. la T.
Cotes, C. C.
Davey, H.
Dilke, Sir C. W.
Dodson, rt. hon. J. G.
Edwards, H.
Edwards, P.
Farquharson, Dr. R.
Findlater, W.
Fitzmaurice, Lord E.
Gladstone, rt. hn. W. E.
Harcourt, rt. hon. Sir W. G. V. V.
Hayter, Sir A. D.
Herschell, Sir F.
Hopwood, C. H.
James, Sir H.
Johnson, W. M.
Law, rt. hon. H.
Leatham, W. H.
Lefevre, right hon. G. J. S.
Lloyd, M.
M'Intyre, Æneas J.
M'Minnies, J. G.
Martin, R. B.
Matheson, A.
Morley, A.
O'Shea, W. H.
Paget, T. T.
Playfair, rt. hon. L.
Roberts, J.
Shield, H.
Vivian, A. P.
Waugh, E.
Whitbread, S.
Willis, W.
Wilson, Sir M.
Wodehouse, E. R.

TELLERS.

Grosvenor, Lord R.
Kensington, Lord

NOES.

Alexander, Colonel
Amherst, W. A. T.
Anderson, G.
Balfour, A. J.
Barran, J.
Beach, W. W. B.

Bentinck, rt. hn. G. C.
Biggar, J. G.
Birkbeck, E.
Blackburne, Col. J. I.
Bourke, right hon. R.
Briggs, W. E.
Broadhurst, H.
Brodrick, hon. W. St. J. F.
Cameron, C.
Campbell, J. A.
Cecil, Lord E. H. B. G.
Chaplin, H.
Churchill, Lord R.
Coope, O. E.
Crichton, Viscount
Cross, J. K.
Cross, rt. hon. Sir R. A.
Crum, A.
Dalrymple, C.
De Worms, Baron H.
Dixon-Hartland, F. D.
Eaton, H. W.
Ecroyd, W. F.
Fletcher, Sir H.
Folkestone, Viscount
Fort, R.
Fremantle, hon. T. F.
Gorst, J. E.
Halsey, T. F.
Hamilton, Lord C. J.
Heneage, E.
Illingworth, A.
James, W. H.
Lalor, R.
Lawson, Sir W.
Lee, H.
Legh, W. J.
Leighton, Sir B.
Mac Iver, D.
Mackintosh, C. F.
M'Laren, C. B. B.
Moore, A.
Noel, E.
Noel, rt. hon. G. J.
Norwood, C. M.
Onslow, D.
Patrick, R. W. C.
Peddie, J. D.
Power, J. O'C.
Pugh, L. P.
Ross, C. C.
Rothschild, Sir N. M. de
Round, J.
Rylands, P.
Sclater-Booth, rt. hn. G.
Scott, M. D.
Sinclair, Sir J. G. T.
Slagg, J.
Stanhope, hon. E.
Stanley, hon. E. L.
Taylor, rt. hn. Col. T. E.
Tennant, C.
Tillett, J. H.
Tottenham, A. L.
Williams, B. T.
Williams, S. C. E.
Wills, W. H.
Wilmot, Sir J. E.
Wolff, Sir H. D.
Wortley, C. B. Stuart-
Wyndham, hon. P.

TELLERS.
Monk, C. J.
Simon, Serjeant J.

Words *added.*

Main Question, as amended, put.

Resolved, That this House views with regret the reactionary character of the New French General Tariff, and is of opinion that no Commercial Treaty between Great Britain and France will be satisfactory which does not tend to the development of Commercial relations between the two Countries by a further reduction of duties.

SUPPLY.—COMMITTEE.

Resolved, That this House will immediately resolve itself into Committee of Supply.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE NATIONAL GALLERY.

RESOLUTION.

MR. COOPE moved the following Resolution:—

"That, in the opinion of this House, it is expedient that immediate steps be taken to carry out extensions to the National Gallery, so as to afford sufficient accommodation for the present collection, and for probable future additions."

The work of extension, he remarked, was absolutely necessary, and could be carried out at comparatively little expense. There was at the disposal of the Government space at the rear of the National Gallery; and as it was only the first floor that required enlargement, the new building could be erected on iron columns, so as not to interfere with the present use of the space as an exercise ground for the soldiers in the neighbouring barracks Owing to the present want of accommodation, the Trustees of the Gallery were not able to expend to the best possible advantage the sum of £10,000 placed at their disposal for the purchase of works of art which would enrich the National Collection. There was also an observation that might be made as far as their choice was concerned. The most recent purchase was the "Viergel and Rochers," by Leonardo da Vinci, which, in the opinion of those well qualified to judge, was in a very different condition to that in which it left the easel of that master—a replica of which picture was now in the Louvre—and the sum given by the Trustees was £9,000. About 10 years since a painting, supposed to be by Rembrandt, of "Christ and the little Children," was purchased for the large sum of £7,000, which had turned out to be spurious, and was described in the Gallery as "of the School of Rembrandt," and was a very inferior production. Some years ago a painting by Mr. Ward was presented to the National Gallery by Lord Ribblesdale, but the Trustees came to the conclusion that it would occupy too large a space, and it was handed over to the British Museum, by the officials of which it was relegated to a vault, in which it remained for some years. On the representation of Mr. Ward that his first picture ought to have been placed in the National Gallery, it was decided to return the picture to the representatives of Lord Ribblesdale. And what happened? The Trustees of the National Gallery afterwards purchased that same picture, which had been presented to the nation and returned, for a sum of £1,500. In point of economy he appealed to the Government to extend the Gallery, as he believed that, however it might be extended, it would soon be filled by bequests from those who were possessed of rare works of art. On former occasions he had brought the subject before the

House, and acknowledged that the noble Lord the Secretary to the Treasury fell in with his views, though not to the full extent, by admitting the public to the Gallery on the two students' days. He thought that the fee charged on those days for admission ought to be abolished, and that the public should be admitted, not at 12 o'clock, but at 10 o'clock. He believed that the more the public had the advantage of seeing such works of art as the building contained, the more their taste would be raised. A great deal was said at the present moment of the necessity for technical education; but he contended that by encouraging the people, especially the working classes, to see the glorious works of art in the possession of the country, they would raise their powers of design and enable them to compete more effectually with the work of foreign countries. He would further suggest that during the winter months the National Gallery should not be closed at 4 o'clock, but that it should be lighted by electricity—as that House was about to be—on certain days of the week; a step which would be the means of affording recreation and improvement to the large class on whose behalf he brought the subject forward. He had not met with as much support in this matter from the authorities as he had hoped for, and, probably, the fact was owing to the constitution of the Trustees. That Body consisted of six noblemen and gentleman, two of whom were engaged in diplomatic service abroad; a third was incapacitated from acting by ill-health for the last two or three years; so that, in fact, the management of the Gallery was left to three Trustees and the Director. The extension for which he now ventured to ask should recommend itself in an economic point of view, because the Government might withdraw the present grant of £10,000 a-year, and, by affording the necessary space, secure bequests of works of the highest merit from private owners and collectors. The English School of Art was rapidly gaining ground abroad; the taste for art was increasing in this country; the growing interest in the National Gallery was shown by the greatly increased and increasing number of visitors; and he therefore hoped, for the reasons he had given, that Her Majesty's Government would accept his Motion, and thus confer a great benefit, not only on the Metropolis, but upon the people at large.

Mr. M. SCOTT seconded the Motion.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is expedient that immediate steps be taken to carry out extensions to the National Gallery, so as to afford sufficient accommodation for the present collection, and for probable future additions,"—(*Mr. Coope,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. SCLATER-BOOTH said, the success which had attended the experiment suggested by his hon. Friend, of admitting the public to the Gallery simultaneously with the students when copying the pictures, entitled his hon. Friend to speak with authority on this matter; but he should be sorry to follow him into the Lobby with this Motion, because he did not think that the extension of the National Gallery was a question upon which the House ought to be divided as against the Motion for Supply. He trusted, however, that the Government would give the House an assurance that it was one which engaged their attention, for there could be no doubt that an extension of the Gallery, if not now needed, would very soon become absolutely necessary. With reference to the pictures in the National Gallery—a collection of the greatest interest, the more so, perhaps, because of its limited size—he should not be in favour of an undue or rapid accumulation of them. On the contrary, he should not be afraid of weeding out some of them in order to give room for others of a more representative character. He would only express a hope that the Motion of his hon. Friend would receive the favourable consideration of the Government.

Mr. SHAW LEFEVRE quite admitted the importance and interest of this question; but the hon. Member who brought it forward was mistaken if he supposed that nothing had been done for the extension of the National Gallery within the last few years. Very considerable sums had been voted, not only for the purchase of land, but for buildings to be erected upon it. Between

1868 and 1876, £64,000 was paid for land, in addition to £97,000 for buildings on the land. Within a few weeks a representation had been received from the Trustees of the National Gallery that the time was approaching when it would be desirable to consider whether further extensions should not take place. The matter would receive the attention of the Government; but he could not at present pledge them as to the course which would be taken. Other demands, in respect of new buildings for Public Departments, involving a serious expenditure, must, at the same time, be considered. Considerable additions must be made to the accommodation of the Post Office in London, the War Office, the Admiralty, the Patent Office, and the National Portrait Gallery. He, therefore, hoped the hon. Member would not expect the Government at the present moment to give a decided answer to his proposal. He did not think it necessary to follow the hon. Member in his comments on the administration of the National Gallery, which he thought hardly consistent with the Motion he had made. If the Trustees were spending the annual grant in buying pictures which were unworthy of the National Gallery, there would be little use in its extension; but he thought the hon. Member was mistaken in some of the cases to which he alluded. He was not aware of the Ribblesdale picture—it was the first time he had heard of it; but with regard to the picture of Leonardo da Vinci, bought from Lord Suffolk, he believed the universal opinion was that it was an extremely valuable one, and had been a most desirable addition to the National Gallery. For a picture of such rare quality, of course, a considerable sum must be paid. If valuable pictures came into the market, it was most desirable that the Trustees of the National Gallery should be in a condition to purchase them. He agreed with the right hon. Gentleman (Mr. Sclater-Booth) that quality rather than quantity should be considered; and whether it might not be desirable to weed out a few might be worthy of consideration. But, if so, would it be necessary for a short time to make considerable additions to the National Gallery? That was a point on which he should be sorry to express any definite opinion. In the circumstances, he hoped the hon. Gentleman would be satisfied with the answer he had given.

SIR ANDREW LUSK thought the pictures in the National Gallery were a great credit to the nation. They were of the utmost value. He only wished the public could derive greater advantage from their exhibition. There was an increasing demand for art, and all the people in our great cities were crying out for it; but in London, at all events, we did not seem to make the best of the opportunities we had for instructing the people in it. He, therefore, thought the hon. Member for Middlesex (Mr. Coope) had done well to bring the subject forward. There had been no progress with the Gallery during the last 15 years.

Question put, and *agreed to.*

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS I.—PUBLIC WORKS AND BUILDINGS.

(1.) £12,980, to complete the sum for Furniture of Public Offices, Great Britain.

(2.) £158,515, to complete the sum for Revenue Department Buildings.

(3.) £40,496, to complete the sum for County Court Buildings.

(4.) Motion made, and Question proposed,

> "That a sum, not exceeding £6,513, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Metropolitan Police Court Buildings."

MR. RYLANDS rose for the purpose of moving a reduction of the Vote. The subject of the remarks he was about to make was one which he thought had not received sufficient attention. In the country districts a very large expense was thrown upon the local rates for the purpose of erecting and maintaining public buildings; but the custom in London was to make considerable charges upon the Exchequer for the cost of erecting police courts. Last year the sum of £19,800 was voted towards the erection of a new police court and station in lieu of the court and station then existing in Bow Street. That Vote was the subject of considerable attention on the part of the Committee, and led to a discussion in which a good deal of opinion was expressed as to the country at large being called upon to pay additional taxes for purposes which specially belonged to the Metropolis. Upon that occasion an argument was made use of, which he did not think had sufficient force to justify the proposal—namely, that inasmuch as a very large number of persons came to the Metropolis from different parts of the country, increased police court accommodation was thereby rendered necessary for the due administration of justice in the Metropolis, and it was only reasonable that the cost so incurred should be borne by the country at large. He had, however, always held the opinion, that the Metropolis being the centre towards which so large a number of persons from the Provinces tended, a considerable amount of money was spent there in consequence, by which the Metropolis benefited, and that, therefore, any additional police court accommodation rendered necessary by the presence of strangers should be defrayed by the Metropolis itself. But by the present Estimate the Committee were asked to vote the sum of £2,200 for alterations and additions to the Hammersmith Police Court; and as it appeared to him that the argument made use of in the case of Metropolitan Police Courts had scarcely any force whatever in connection with the Police Court at Hammersmith, he should move that the Vote be reduced by the amount named. He contended that the authorities at Hammersmith should apply to the local ratepayers to meet the cost of increased police court accommodation.

Motion made, and Question proposed,

"That a sum, not exceeding £4,313, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Metropolitan Police Court Buildings." — (*Mr. Rylands.*)

Lord FREDERICK CAVENDISH said, he was able to sympathize with the view of his hon. Friend the Member for Burnley, and thought it was a question well deserving the consideration not only of the Government, but also of the House itself, how far some of the distinctive charges on account of public buildings in the Metropolis should not fall upon the local rates. But it was necessary to deal with facts as they were; and at present there were no legal powers for repairing and improving the Metropolitan Police Courts except by payments out of the Exchequer. The cost of this had hitherto always been borne by the public funds; and until the whole question of Metropolitan Government was dealt with, and he trusted the day was not distant when it would be taken in hand, he could see no way of imposing this charge upon the Metropolis. It was clear when that time arrived, that this and similar charges would have to be dealt with by Parliament. With regard to the particular objection urged by the hon. Member for Burnley in connection with this Vote, he had been informed that the state of Hammersmith Police Court was such that it was absolutely necessary on the grounds of decency and public justice that the improvements, for which the sum of £2,200 was now asked, should be carried out; and as there were no other funds out of which the cost could be defrayed, it was his duty to propose the present Estimate. With respect to the large expenditure in connection with the new police station at Bow Street, as distinguished from the police court, although his hon. Friend had referred to this as being paid out of the public funds, he might mention for the information of the Committee and his hon. Friend, that a portion of the amount would be repaid to the Exchequer by means of an annual charge upon the police rate.

Mr. DILLWYN said, it appeared to him that there were no actual limits to the Metropolitan area. The question, "What is the Metropolis?" was always arising in connection with matters of this kind—parks, public buildings, and other institutions—and they were continually going beyond the line that, in his opinion, ought to constitute the Metropolitan boundary. He had always held the view that for these purposes the Metropolitan area ought not to be considered to extend beyond those parts of London which were used by persons coming from the Provinces. Therefore, he contended that Hammersmith being a suburb, and not part of the Metropolis, the expenditure of £2,200 now asked for alterations and additions at the police court in that district ought not to be allowed. The Committee had, however, heard the explanation of the noble Lord the Secretary to the Treasury, who seemed to agree with the view taken of this matter by the hon. Member for Burnley (Mr. Rylands), while at the same time he explained that there was no other means than a payment out of the Exchequer by which the necessary expenditure could be met. He trusted that the general principle which the hon. Member laid down would induce him to take into consideration the propriety of confining the expenditure from the public funds on account of the Metropolis to that which he (Mr. Dillwyn) had indicated as constituting its actual area for purposes of this kind. Although he never had the least wish to cut down public expenditure upon the Metropolis proper, he had always contended it was unfair that the country at large should be called upon to contribute to the necessary expenditure of the suburban districts. The full concurrence of the noble Lord with the principle laid down by the hon. Member for Burnley had given him great satisfaction, and, taking the noble Lord at his word, which he felt he could do with complete confidence, because he had never known him to assert a principle that he was not ready and anxious to carry out, he would ask the hon. Member not to press his Motion.

SIR ANDREW LUSK said, when it was recollected that there were 4,000,000 of people in the Metropolitan area, forming perhaps the greatest community the world had ever seen, it would be admitted that the police and magistracy of the Metropolis should be under the superintendence of the Government. In his opinion, this was both necessary and desirable, because the arguments which might justly be applied to questions of this kind relating to the Provinces, had no force or bearing whatever when used in connection with the administration of justice in the Metropolis. The two cases were entirely different. There were 10,000 police in the Metropolis, and the Committee would readily understand that to manage so large a number of men and generally to keep the administration of justice working smoothly and in order, required no little care and attention. Therefore, he thought the Government were right in taking this matter into their own hands; and, at the same time, he could not but feel that his hon. Friend who had spoken on this question of the Hammersmith Police Court had been rather hard, so to speak, upon the Metropolis. For the reasons he had given, he thought the Vote should pass without reduction.

MR. DUCKHAM thought the short discussion which had taken place on the Motion of the hon. Member for Burnley had shown the necessity for inquiring into the whole subject. The point which had been discussed formed a small part only of a very great question. He was unable to support the Motion of the hon. Member, because he felt that in the present state of things the grant ought to be made; but he hoped that the day was rapidly approaching when the whole question of the incidence of local taxation would be fully and comprehensively dealt with. He had repeatedly given Notice of a Motion for a Select Committee to make a searching inquiry into the whole subject, with the hope that such an inquiry might result in a more equitable adjustment being established. The inhabitants of the country districts had to provide their own police stations, and he thought that the Goverment ought to hesitate before adopting one law for the country and another for this wealthy Metropolis.

MR. BIGGAR remarked that the particular portion of the Vote which was the subject of the Motion of the hon. Member for Burnley had no one to defend it, the noble Lord the Secretary to the Treasury having admitted the principle contended for by the hon. Member. When the Vote was before the Committee last year, it was argued that cases of great national interest were sometimes brought into the Metropolitan Police Courts, and that therefore it was desirable to charge the cost of building and maintaining those courts, not upon the local rates, but upon the funds of the public. But that argument could not possibly be applied to the Hammersmith Police Court, and he certainly could see no reason why the inhabitants of that suburb should have a police court built for them. The system was indefensible; and, to his mind, there could not be a more proper time than the present to make an attack upon it. It was well known that the Board of

Works had Acts of Parliament which empowered them to do a great many things; but he failed to see why they should build a police court any more for the use of one suburb of the Metropolis than another. It might be argued that the Law Courts existed for the benefit of the whole Kingdom—that their jurisdiction extended to the whole of the country, and that, therefore, their cost should be borne by the people at large. But this could not be said of the Hammersmith Police Court, which had only a local jurisdiction. He gathered from the statement of the noble Lord the Secretary to the Treasury that it was in excess of the powers of the local bodies to go to the expense of building police courts for the accommodation of their districts; still it must be remembered that it was entirely for the convenience of the inhabitants that the police court at Hammersmith was held there at all. Under these circumstances, he was disposed to support the Motion before the Committee, whether the hon. Member for Burnley was prepared to withdraw it or not, because it was quite clear that they were discussing an expenditure which the Minister in charge of the Estimates agreed ought not to be allowed, and it was, he thought, quite time that the Committee should have an opportunity of expressing its opinion in favour of that view. So far from the Motion being withdrawn, he was of opinion that it should be carried to a division, and he did not see how the noble Lord opposite could do otherwise than support it after the statement he had made. He urged upon the Committee that this was clearly a case in which the whole argument was on the side of a reduction of the Vote.

Mr. RYLANDS thought the statement of the noble Lord was, on the whole, highly satisfactory; but, at the same time, he could not help feeling an objection to this system going on from year to year. The noble Lord, however, had said that the police court at Hammersmith was in such a state that it must be attended to, and that there was no source but the Public Exchequer from which the necessary expenditure could be supplied. He agreed with the hon. Member for Cavan (Mr. Biggar) that it was desirable to bring the question to an issue; but, in presence of the great difficulties which existed with regard to Public Business, and with the intimation of the noble Lord that the whole question of Metropolitan Government would receive the attention of Her Majesty's Government, he did not think he should put the Committee to the trouble of a division.

Mr. BIGGAR said, as far as he had been able to ascertain, Hammersmith was one of several outlying villages until recently, and, as a matter of fact, did not form part of the Metropolis at all. London had, however, spread out until it joined the village of Hammersmith, and the inhabitants appeared to be setting up a claim for the first time that the Government should pay the expense of building a new police court for them. For his own part, he did not see why the court which had existed for many years should not continue for another year, during which the question would be under consideration. The noble Lord had spoken very fairly, and had stated his belief that in a short time a Bill would be introduced which would make provision for the Government of the Metropolis; but, at the same time, no provision was made for getting rid of this objectionable charge upon the public funds. Looking at all the circumstances of the case, he did not think the Motion ought to be withdrawn.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(5.) £4,195, to complete the sum for Sheriff Court Houses, Scotland.

(6.) £75,200, to complete the sum for New Courts of Justice and Offices.

General Sir GEORGE BALFOUR did not understand why the charge for new furniture was made in this Vote. In all other cases of expenditure for furniture the sums needed were put into one Vote. There ought to be an uniform system in these cases of money needed for furniture. If this charge for the New Courts of Justice appeared in this Vote, the like charge in connection with the other Public Offices ought to be shown also.

Lord FREDERICK CAVENDISH agreed generally with the observations of his hon. and gallant Friend; but the reason why the expenditure for the New Courts of Justice had been brought under this Vote appeared to him to be good. It was considered desirable that the entire cost of the Courts should appear under one head, and hence it was that the cost of all the furniture required would be shown in this Vote.

Sir ANDREW LUSK said, the greatest interest was felt by all classes of the people in the New Law Courts, which it was expected would have been finished long before the present time. He would be glad to know when they were likely to be completed, and when hon. Members would have an opportunity of knowing what the total cost of these Courts would be? They had already gone far beyond the original Estimate, and the Committee would see that the total of the various items for architects' commission, clerks' salaries, and other matters, amounted to an almost fabulous sum. He trusted the money was being well laid out, and that the First Commissioner of Works would be able to say something with reference to the completion of the building, which was a very different matter from the suburban police court that had just occupied the attention of the Committee. An enormous sum of money was being sunk every year in the erection of the New Courts of Justice; and he hoped to hear both that some progress was being made, and that the money was being judiciously expended.

Mr. SHAW LEFEVRE said, as he had stated some time ago, he had every reason to hope that the New Courts of Justice would be finished by Easter next year. Hon. Members might rely that everything in his power would be done to hasten their completion. With regard to the cost of the building, he believed the Vote asked for next year would not exceed in amount the present Estimate.

Sir ANDREW LUSK again urged the importance of looking into the various items of charge in connection with the Courts of Justice. The charges for vendor's costs, £38,987; legal expenses, £29,729; surveyor's charges, £9,390; surveyor's and accountant's clerks, £3,448; and preliminary expenses, £1,775, appeared to him to be enormous, and to demand the most careful examination.

Vote *agreed to.*

(7.) £125,000, to complete the sum for Survey of the United Kingdom.

Mr. RYLANDS remarked, that there was a very large increase in this Vote, which was, no doubt, due to the desire expressed by the House that the Survey should be accelerated; but, seeing that a large increase had to be voted, he thought it desirable that the First Commissioner of Works should give some information as to the progress of the Survey consequent upon the plan which had been adopted—whether that plan had secured the probability of much greater progress being made than was the case during recent years.

General Sir GEORGE BALFOUR said, he had, in former years, called the attention of the right hon. Gentleman opposite the Chief Commissioner of Works under the late Government (Mr. Gerald Noel) to the want of an improved annual Report from the Survey Department. The Report now furnished was of the most meagre and insufficient description, whereas, besides many other things, it ought to have contained the information now asked for by the hon. Member for Burnley. He considered the Report should state the cost of the survey of each county, the areas surveyed, and the expected progress, as well as the mode in which the additional funds were being applied; and he trusted the First Commissioner of Works would give this matter of a full and sufficient Report his careful attention with the view to an improved statement being furnished.

Mr. SHAW LEFEVRE said, directions had been given for the preparation of a Report showing the progress of the Survey, and he trusted this Report would contain the information which his hon. and gallant Friend (Sir George Balfour) wished for. The amount of the present Vote would, he thought, denote the greater progress of the Survey. While the Votes themselves had only increased at the rate of 25 per cent, the amount of work done last year exceeded that of the preceding year by as much as 80 per cent. It was, therefore, obvious that the new arrangement was an economical one. It was hoped that the Survey would be completed by the end of the year 1890, and there was a possibility of its being completed sooner. It might be that they would have to ask the House, in the course of the next two or three years, for further funds to meet the additional work taken in hand; and, in view of the strong desire on the part of hon. Members that the Survey should be finished as soon as possible, he had no doubt that those funds would be readily granted.

Sir HENRY HOLLAND asked for an assurance that the Treasury would take into consideration the question of the large sum due for the maps provided for the use of the Land Commission in Ireland in the course of their proceedings. He was aware that there was some difference of opinion between the Treasury and the Incorporated Law Society of Ireland as to the manner in which this sum of £10,000 could best be recovered, and the expenses dealt with in the future; but he hoped the matter would not be lost sight of.

Lord FREDERICK CAVENDISH said, that the question to which the hon. Baronet had referred was receiving the attention of the Department; but he was unable to say at that moment whether the steps taken for the recovery of the amount due would be successful.

General Sir GEORGE BALFOUR again objected to the military pay of the men of the Royal Engineer Companies still engaged on the Survey being thrown upon the Army Estimates. He had during the last Session, as also in former Sessions, expressed his disapproval of this, and a promise was then made to him that the sum in question should be erased from the Military Estimates and placed on the Survey Branch Estimate. The question was one which the noble Lord would see should be taken up fairly.

Lord FREDERICK CAVENDISH said, the question raised by his hon. and gallant Friend was one that was worthy the consideration claimed for it, and should not be lost sight of. It was, however, a serious matter to say that the pay of a portion of the Army should be transferred from the Army Estimates to the Civil Service Estimates.

Sir ANDREW LUSK said, this Vote had come before him for 15 years, and it had always appeared to him that progress was made very slowly. However, he trusted that the Survey was now proceeding more rapidly; and he wished to impress on the Government that if it was not finished soon it would be of very little use when it was completed, because the face of the country, owing to the construction of railways and roads, was continually changing, and portions of it that were accurately laid down now would be unrecognizable in a comparatively short period. An enormous time had been occupied already in making the Survey, and it was diffiult to understand why the work had not been pushed on with greater energy. He had seen persons engaged upon the Survey in his part of the country who, after working for a short time, went away and were not seen again for 12 months.

Vote *agreed to.*

(8.) £17,641, to complete the sum for Science and Art Department Buildings.

Mr. DILLWYN said, he should like to have some assurance from the Government that they would one day put down their foot and stop all further expenditure on the South Kensington establishment. The expenditure was going on unceasingly from year to year, and it was impossible to see where it would end. He remembered that 25 years ago, when he first entered that House, they were asked for £25,000 for the erection of a merely temporary building. Since that time the expenditure had gone on increasing yearly, and Parliament had been asked for sums which amounted altogether to £1,000,000 for the cost of this establishment. There was no satisfying the authorities at South Kensington; they seemed to him to be always crying "Give, give!" He appealed to Her Majesty's Government not to encourage any further expenditure upon this overgrown and, as he considered, useless establishment, which, although it might be popular, was neither very scientific nor artistic. That, however, was a matter of taste. They had now arrived at the erection of an Art Library, with an architect's and draftsman's salary of £720 and £1,100 respectively; and although he trusted this would be the last expenditure, he was afraid it would not be so, and that, in asking for this Vote, the Government were only contemplating some further demand. Again, there was an increase in the Vote of £1,000 for the rent of the Gallery at South Kensington, which was formerly the India Museum. He was very much interested to know what the Management were going to do with that Gallery. He had no doubt that, having taken up the India Museum, the authorities would find that the Gallery was not fitted for the purpose for which they wanted it, and then there would be a demand for a further outlay. Why, he asked, had the Government taken this Gallery, and thereby put the country to the additional liability of £1,000 a-year rent? He trusted that the Government would not allow themselves to be squeezed into paying a large sum for this building; and that, as there was at last an economical Ministry in Office, the extravagant expenditure which had been going on for so long in connection with the South Kensington establishment would be put an end to.

Sir HENRY HOLLAND desired to enter his protest against the views expressed by the hon. Member for Swansea. He hoped the Government would not be pressed or squeezed by the arguments of the hon. Member to refuse funds to Institutions which were of the greatest public benefit. He pointed out to the hon. Member that the South Kensington Museum was not merely a place of amusement; it was a school in which persons acquired that technical knowledge which became more necessary every day, if we were to hold our own with foreign countries. By night as well as by day the hon. Member would see that the place was filled by persons engaged upon those objects of art which he thought fit to decry, but which gave such great satisfaction to the public. From an economical point of view, he thought the money voted had been well spent, and that Parliament would be acting wrongly in not proceeding on the course of improving the South Kensington Museum in every way.

Mr. SHAW LEFEVRE said, that all the assurance he could give the hon. Member for Swansea (Mr. Dillwyn) was that there was not at present any intention of asking for a larger sum. The South Kensington Museum was extremely popular; and, if they were to judge by the numbers which visited it, there was no Institution in the Metropolis more appreciated. As to the £1,000 a-year for rent, the Gallery belonged to the Trustees of the Exhibition of 1851, and the Government thought £1,000 a-year was very much less than the value.

Mr. DILLWYN: Have the Trustees ever rendered an account of their trust?

Mr. SHAW LEFEVRE: I believe they have.

Mr. RYLANDS pointed out that in consequence of the points raised by him in Committee, in connection with this Vote last year, the Department had caused an explanatory note to be appended to this Estimate. He was, however, bound to say that the arrangement of the items was still not perfectly satisfactory, because it was quite clear that the salaries of the architect, £720, and the draftsmen, £1,100, ought to be placed under a special sub-head, instead of sub-head A; that was to say, they ought to appear under the head of Salaries, instead of New Buildings at South Kensington. It was due entirely to the great attention paid by the late First Commissioner of Works to the arguments in Committee last year that the salaries in question ought not to be included in the Vote for New Buildings, that the Estimate had been rectified so far by the addition of an explanatory note. But there were other points to which he desired to call the attention of the First Commissioner of Works. And, in the first place, he desired to know whether there was anything in the duties of the Director of New Buildings at South Kensington which could not be fulfilled by the Department of the Board of Works—whether, in fact, it was necessary that there should be a sort of extra Board of Works to superintend the carrying out of extensions at South Kensington? With regard to the remarks made by the hon. Member for Swansea (Mr. Dillwyn), he was bound to say that he had the highest appreciation of the value of the South Kensington Museum, for the information, amusement, and advantage in every way of the people both of the Metropolis and of the Provinces. He ventured to say that all his hon. Friend desired was that the expenditure in connection with the buildings at South Kensington should not be greater than was absolutely necessary. But there was a grave suspicion that the large expenditure upon these buildings was not altogether necessary; and, for his own part, he was quite certain that if a special Department in the form of a Directorate was to be permanently established, there would be a greater and more constant tendency to spend money on the buildings than if they were under the control of the Board of Works. Looking back over the last few years on the expenditure, the items of charge paid for salaries to architects and assistants reached a much larger sum than he thought they ought reasonably to amount to, and a very much larger sum than was charged in the case of other public buildings in the Department over which the First Commissioner of Works presided. He believed his information was correct when he said that the cases constructed under the Director of the New Buildings had cost twice as much as those which were constructed for the British Museum under the Office of Works; and he should be glad to know whether the First Commissioner could give any information upon that subject, and whether, also, there was any reason whatever why, seeing that the Department over which he presided had the superintendence of every other building connected with Government property, it was necessary to have a separate establishment at South Kensington to superintend the buildings there?

Lord FREDERICK CAVENDISH, as a general principle, agreed with his hon. Friend the Member for Burnley that all the Government buildings should be under the control of the Board of Works. The architect at South Kensington had been retained to complete certain works which were in hand. That gentleman had been at South Kensington for many years, he believed since the year 1860. In 1875 it was proposed that the office should be abolished; but, after much consideration, it was determined that it should be continued until the building was completed. It was not considered desirable to transfer the superintendence of the buildings at South Kensington from one Office to another at present; but as soon as they were completed the change would be made.

General Sir GEORGE BALFOUR said, he found a charge for upwards of £2,000 under this Vote for rents, and a like charge for £5,000 under the Public Buildings Vote, both being for the same Department. The separation of these amounts was very inconvenient, and he trusted that in future the whole of the sums paid for rents would appear under one Vote.

Mr. BIGGAR said, there was an item of £2,040 charged on account of the Industrial Museum at Edinburgh, which, as far as he could ascertain, there was no reason for at all. To spend this sum upon the Museum in question, was very much like throwing away the money. The building was in an unfinished state, and was by no means supplied with examples of what it was intended to illustrate. In his opinion, either more money should be spent on the Museum, in order to make it efficient, or it should be given up entirely.

Mr. SHAW LEFEVRE said, the Museum was considered to be of much use for industrial purposes; and the increased sum asked for this year was for the purpose of effecting internal repairs.

Mr. BIGGAR remarked, that the explanation afforded by the First Commissioner of Works was rather meagre, and unless some further information was forthcoming, he should be disposed to move a reduction of the Vote. He had himself visited the Museum on Sunday last, and was, therefore, able to speak with knowledge of the circumstances. That something like an expenditure of £2,000 should be applied to internal repairs to a building which had only been in existence a few years, seemed to him very extraordinary. It would seem, however, from the reply of the right hon. Gentleman, that he knew very little about the matter. His contention was, that if an Industrial Museum was necessary in Edinburgh, it should be made of such value to the people that the money spent upon it from year to year out of the public funds should not, as in the present case, be thrown away. As he had before pointed out, the building was neither finished, nor by any means supplied with examples of what it was intended to illustrate; and therefore he hoped some further explanation would be afforded, which would justify him in giving his sanction to the Vote.

Mr. ARTHUR O'CONNOR said, it appeared to him that the system under which the buildings at South Kensington were being conducted was calculated to prolong the charges upon the public funds. They were at present employing an architect at a considerable salary per annum. Anyone who had been accustomed to the delay which had taken place in connection with the South Kensington buildings must have been struck by the marvellous contrast presented by the building of Knightsbridge Barracks. He could not see any reason why the Government should prolong the charge for the services of the architect at South Kensington, and he could not see why the work should not be completed and the architect dispensed with. It appeared that an enormous amount of money was being laid out from year to year on new buildings at South Kensington; and, of course, the longer the work was prolonged the better it was for the architect. He wished to ask the noble Lord if he could not come to some arrangement by which the architect in future would be paid by the job, and not by the time during which he was engaged? He thought that some such arrangement would tend very much to economize the Public Expenditure. There was another subject in regard to the Vote on which he would offer a suggestion. He wished to ask the noble Lord whether, in regard to all the details which appeared in the Vote and in a great many other Votes, in reference to rent, furniture, fuel, and light, it would not conduce to a clearer understanding of the Estimates if the Government would give under each Vote a statement of the sums expended, for these particular Services, by each Department? At present, it was perfectly impossible to deal with the amounts charged for such things as rent, fuel, light, and other matters.

LORD FREDERICK CAVENDISH, with respect to the last suggestion of the hon. Member, said, the hon. Member would obtain accurate information if he would refer to the Report of the Comptroller and Auditor General. In regard to the new buildings at South Kensington the reason why they had not been executed more rapidly was not owing to any want of zeal on the part of the architect, but because the Treasury had not been anxious to promote the expenditure of public money at South Kensington. Therefore, the expenditure had been cut down as far as possible. He thought that was really the cause, and there was no blame attributable to the architect for the work not having been pushed forward more rapidly.

MR. DILLWYN said, the expense of building in connection with the South Kensington Museum had been very great; and he was sorry that his right hon. Friend the First Commissioner of Works had given no assurance that further building would not be contemplated or brought forward upon the site of the Museum. It would almost appear that the erection of buildings on this site was to become a standing charge upon the country. He, for one, desired to put a stop to the expenditure at South Kensington, and he would feel inclined to stop it very peremptorily. He certainly hoped that if the Government had any further scheme in hand it would be laid before the House before it was carried out, so that the House might have a full opportunity of discussing it. He should strongly protest against any further increase of expenditure in connection with this so-called popular and useful establishment.

MR. SHAW LEFEVRE said, he need hardly state that nothing further would be done at South Kensington without coming to Parliament for a Vote for the purpose.

GENERAL SIR GEORGE BALFOUR thought that the expenditure on buildings ought to be conducted in a more straightforward manner, by being clearly and fully detailed under suitable heads in one statement, so that they should be able to see at a glance what the total expenditure in connection with any particular Vote was, as well as the total of all expenditure on buildings. At present the Estimates were presented in such a manner that it was impossible for any Member to ascertain the exact cost on buildings of any one Department. Before they could get at the actual cost it was necessary to put together a variety of sums that were scattered through the Estimates under different heads, and then the whole outlay on all buildings was unknown.

LORD FREDERICK CAVENDISH remarked that full information respecting the entire cost of any particular Service was given in a complete form in the Comptroller General's Report. If the hon. and gallant Member for Kincardineshire (General Sir George Balfour) would refer to page 282 of the Appropriation Accounts of this year he would see that the entire cost of this Department was fully given.

MR. ARTHUR O'CONNOR said, the account of the expenditure for fuel and light was not given on page 282; but there was some reference to it on page 31 of the Appropriation Accounts.

LORD FREDERICK CAVENDISH said, he would inquire whether further information could be given; but, at the same time, he thought that it was not desirable to encumber the Estimates too much. There were great complaints that they were already far too voluminous.

Vote *agreed to.*

(9.) £4,523, to complete the sum for British Museum Buildings.

Mr. ARTHUR O'CONNOR said, that he found from the Appropriation Accounts of last year that there was a saving in sub-head A of this Vote, on account of the non-execution of certain sanitary works for which provision had been made in the Estimate. Now, considering the amount of sanitary talk they had last year, it did appear to be an extraordinary thing that, having regard to the revelations as to the condition of many of the Public Offices, the sanitary works decided upon could not be executed. It was hardly satisfactory, when the House had voted money for the purpose, to find that works of so important a character, and so much required, had not been carried out. He wished to ask the noble Lord the Secretary to the Treasury whether the sanitary works in question had been finished? There was another point in regard to sub-head B, on page 40, upon which he should like to receive information. It appeared that a sum of £230 was charged every year for the rent of 103 Victoria Street, Westminster, for a collection of antiquities under the will of the late Henry Christie. It seemed to him that the rent of this Christie Collection was getting beyond all bounds of reason. It was costing year after year this sum of £230 for rent alone, and he thought it would be much cheaper in the end to buy subjects and put them in some of the existing buildings rather than to pay this annually recurring charge.

Lord FREDERICK CAVENDISH replied, with respect to the second question, that he was informed that when the removal of the Natural History Collections to South Kensington was completed there would be ample room for Chistie's Collection, which would be removed there.

Mr. ARTHUR O'CONNOR asked if that would be done this year?

Lord FREDERICK CAVENDISH believed that all the Collections would not be moved this year; but he could assure the hon. Member that the Treasury was carefully watching the matter, and would see that no unnecessary delay occurred, and that the expenditure upon these Collections was kept down as far as possible. With regard to the sanitary works referred to by the hon. Member, the Appropriation Accounts, to which attention had been called, was that of the year 1879-80; and it must be borne in mind that they had reference to the state of affairs that existed before his right hon. Friend the First Commissioner of Works and himself became responsible for the affairs of the country.

Vote *agreed to.*

(10.) Motion made, and Question proposed,

"That a sum, not exceeding £27,858, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection of a Natural History Museum, including Fittings, &c."

Mr. DILLWYN said, that this was one of the cases in which they had a new building proposed. The original Estimate for the Natural History Museum was £350,000, and the revised Estimate was £409,466, showing a pretty large increase. They always found, however, that the revised Estimate exceeded the original Estimate. But now they found they were to have a new hobby; and they were asked to vote, without any explanation whatever upon it, the matter of a sum of £17,043 for—

"The Erection of a building to contain the Collection of Objects preserved in Spirits, and for certain additional works not included in the Revised Estimate of £409,466."

He should have thought the original Estimate was quite sufficient for all the works required. South Kensington was always increasing and growing; something was wanted there every year, and the authorities were never satisfied with what they had got. This, however, was the first time the House of Commons had been asked to vote a sum of money for the erection of a building to contain a Collection of objects preserved in spirits, and unless some notice of it was taken at once they would be told next year that they had already had their chance, and had lost it, and that this year was the year in which they should have objected to the Vote, when it was first asked for. It was on this ground that he objected to the item for this particular outlay; and he begged to move that the Vote be reduced by the sum of £17,043, being the sum required for the erection of this particular building.

Certainly, unless he received a very satisfactory explanation in regard to the item, he should divide the Committee upon it.

Motion made, and Question proposed,

"That a sum, not exceeding £10,815, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection of a Natural History Museum, including Fittings, &c."—(*Mr. Dillwyn.*)

Mr. SHAW LEFEVRE said, the new building was an essential part of the Museum. It was found unadvisable and dangerous to put the Spirit Collection under the same roof as the other Collections in the Natural History Museum, and it had been considered desirable that it should be contained in a separate building, entirely detached from the other Natural History Collections. The cost would be about £17,000, and it was proposed to complete the work this year. When his hon. Friend the Member for Swansea (Mr. Dillwyn) called attention to the excess of the revised Estimate over the original Estimate, he ought also to have called attention to the fact that there was a saving this year of no less than £41,000 in the total sum required for buildings and fittings. The sum of £17,000 was, undoubtedly, a new item; but after a careful inquiry into the matter the Government had come to the conclusion that it was absolutely necessary, not only for the extension of the Museum, but also to insure the safety of the entire building.

Sir HENRY HOLLAND asked if there were any objects preserved in spirits in the British Museum; and, if so, whether they were in a separate building? His own impression was that they were not, and it was somewhat difficult to understand why the simple fact of removing them to the South Kensington Museum should make them so much more dangerous.

Mr. SHAW LEFEVRE said, the Collection preserved in spirits at the British Museum was not in a separate building, but it was considered unsafe; and in erecting a new Natural History Museum, having regard to the safety of the other Collections, it was considered desirable that the Collection of objects preserved in spirits should be placed in a building altogether detached from the main building.

Sir ANDREW LUSK wished to know what these "spiritual" objects were? It was a peculiar Estimate altogether —£17,000 for "Objects preserved in Spirits." He wanted to know whether there was any local option in the matter? Of course, a large number of hon. Members would naturally object to a large sum of public money being employed in this way, particularly when they did not know what it was for. What were the objects that were preserved in spirits? He thought the Committee was entitled to know, and seeing, as the hon. Baronet opposite (Sir Henry Holland) had stated, that they had not been kept in a separate place hitherto, why should a different course be pursued now with reference to South Kensington? He did not find fault with scientific inquiries being made; but he thought that some limit should be put upon them, notwithstanding the fact that they were undertaken in the interests of science. Her Majesty's Government ought not to throw away the money of the people needlessly; and he, therefore, asked again what "objects" there were that it was necessary to preserve in spirits?

Mr. SHAW LEFEVRE said, the objects in question were reptiles and various anatomical specimens illustrating all the lower classes of animal life. The spirits were frequently changed, and great insecurity and danger were created. A very large quantity of spirits was used, and the Committee would be surprised to hear the large sum of money that was required for this purpose.

Mr. RYLANDS thought that before they passed the Vote the Committee should have some further information in regard to this Estimate from the First Commissioner of Works. He must say that he thought the matter was brought before the Committee in a very loose and irregular manner. This sum of £17,043 was asked for for two reasons—first, for the erection of a new building for containing a Collection of objects preserved in spirits, and then for "certain additional works not included in the Revised Estimate of £409,000." Now, he thought the Committee ought to be informed what was the exact amount required for this building. It was an entirely new work, which Parliament at present was not committed to, and over and above this work the Government were asking for a sum for "additional works not included in the Revised Estimate." The Vote was asked for under very suspicious circumstances. The original Estimate of the cost of the Natural History Museum was £350,000; but it had been increased by the revised Estimate to £409,466, and now there was to be an additional sum of £17,043. He thought that all the extra expenditure ought to have been included in the original Estimate. He would therefore ask his right hon. Friend, first of all, to tell the Committee what would be the entire cost of the new building; secondly, whether the new building was to be fitted into the present large building, or did it form a necessary part of the scheme; and, thirdly, what was the amount asked for additional works, and what the additional works consisted of? Unless the Committee received information upon these heads he thought they would do well not to pass the proposed Estimate.

Mr. SHAW LEFEVRE was not aware that there were any important new works contemplated except this building, which was required for the Collections preserved in spirits. If there should be anything more, he would mention the fact when the Report was brought up.

Mr. GORST said, that as far as he could make out, from the Estimates presented to the House, the original building was not yet completed. There had been an Estimate prepared for it, and then a revised Estimate was submitted which considerably increased the expense. He believed that most of the money had been voted for the building; but, so far, he gathered that no steps had been taken to carry out the objects for which the money had been voted.

Mr. SHAW LEFEVRE remarked that the building was already finished.

Mr. GORST said, that fact certainly did not appear before the Committee. The total expenditure for the year 1880 was left blank, and the sum voted for 1880-1 was put into italics; and, therefore, he presumed, without having the knowledge that a member of the Department possessed, that nothing had yet been done to give effect to the Vote. [*A laugh.*] The noble Lord laughed; but he thought the noble Lord should understand that when the whole of the sum voted had been spent it was just as well to state the fact that it had been expended in the Estimate presented to Parliament. He wished to know what was the nature of the Estimate which had been made for this separate building—a building which he understood had been found necessary, subsequent to the original Estimate, in consequence of the dangerous character of the Collection preserved in spirits? He should like to know whether the £17,000 really represented the full cost of the building, and whether it would include the internal fittings, because he found that in excess of the original sum for building purposes a very large sum had been required for internal fittings? In the present Estimate he found no amount taken for internal fittings; and he wished, therefore, to know if any Estimate had been made as to the cost of the internal fittings, or whether it was likely that next year they would be told that as the internal fittings had been left out of the calculations of the Treasury it had become necessary to ask for a considerable sum in addition?

Mr. DICK-PEDDIE said, he observed that in the columns headed "Amount of Previous Votes, Total Expenditure up to 30th September, 1880, &c.," no sums were entered in connection with this building; and he wished to ask why this information was not given? It was given in the Estimates for the Courts of Justice, and for the buildings in connection with the new University at Edinburgh, and he thought it desirable that it should be given in every case.

Mr. SHAW LEFEVRE said, the reason why the information asked for by the hon. Member for Kilmarnock (Mr. Dick-Peddie) was not given in the present instance was that the building was completed and paid for, and that nothing whatever was required for the main building. The building had been completed, in point of fact, for some months, and he believed that some portion of it had been thrown open to the public. Under these circumstances the Committee ought not to be surprised to find that no money was asked for on account of the main building, and the columns for detailed information which appeared in the Estimates referred to by the hon. Member had, in the case of the Natural History Museum, been entirely filled up and closed. [Mr. Gorst: Not entirely.] Yes, entirely; and this sum of £17,000 was required altogether for the Spirit

Collection. He believed that this Spirit Collection was the only item of any importance in the Estimate; but he would inquire if there was anything else, and whether the whole of the money was to be spent on the Spirit Collection. The internal fittings had been provided for in the other Votes, and he believed that the sum of £17,000 would be spent upon the building alone.

SIR HENRY HOLLAND presumed that what the hon. Member for Swansea (Mr. Dillwyn) really meant was to reduce the Vote for the year. The hon. Member proposed to reduce the whole Estimate by the sum of £17,043. It would be more correct to propose a reduction of the Vote by the sum of £8,051.

MR. DILLWYN said, the hon. Member for Midhurst (Sir Henry Holland) was quite correct. The amount by which he intended to reduce the Vote was only £8,000. His right hon. Friend the First Commissioner of Works was, however, in error in saying that the fittings were provided for in the Estimate. It was a new work entirely, and there was no sum for internal fittings added to the original Estimate. In asking the Committee to reduce the Vote, he did so, not so much from any objection to the amount asked for, but in the hope that something would be done to try and stop expenditure of this kind; and, secondly, in order that they might lay down the principle that they would not sanction expenditure which was placed upon the Estimates in this way. He thought that when expenditure was asked for *de novo*, it ought not to appear first in the Estimates with the current expenditure of the year; but that it should appear in a separate form, and be brought fairly before the House, so that the House might be fully informed as to the object for which the Vote was asked, and the sum that was necessary to carry it out. He had no wish to say anything offensive; but he believed it was a fact that, if he had not happened to see this item in the Vote, it would have been passed without notice. In one minute more it would have been passed, and next year they would be told that they were committed to the expenditure. He protested against the practice of forcing the House into Votes in this irregular way, and then telling hon. Members that they were committed to the expenditure. They ought to have full notice of every new Vote and every new expenditure of this sort; and whenever an item was brought in in this manner, he, for one, would feel inclined to divide the Committee against it if only by way of protest.

MR. SHAW LEFEVRE really did not see how the notice of the Committee could have been more distinctly called to the fact that this was a new building than it had been. No money whatever was taken for the old building; but there was a sum asked for for a new building to contain the Collections preserved in spirits. It was distinctly brought under the notice of the Committee that the sum of £17,000 was required for a distinctly new building. With regard to the question of internal fittings, he would remind his hon. Friend that the original Estimate for Works at South Kensington had been very much higher than the sum actually expended, and that a saving amounting to £177,000 had been effected in the contracts for building. It had, consequently, been found possible to provide for a separate building for the Collections preserved in spirits, and to pay for internal fittings out of the sums saved in the building expenses.

THE CHAIRMAN: Will the hon. Member for Swansea withdraw the original Amendment and substitute the second one?

MR. DILLWYN: I propose to take that course.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Motion made, and Question proposed,

> "That a sum, not exceeding £19,337, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection of a Natural History Museum, including Fittings, &c."—(*Mr. Dillwyn.*)

MR. ARTHUR O'CONNOR asked whether, having regard to the fact that Votes had been taken on account of these Estimates, it was competent for the hon. Member to move a reduction from the whole of this Vote? If it were an entirely new work, it might be competent; but if any portion of it had already been taken in hand, he apprehended that the course proposed to be taken by the hon. Member would be irregular.

Lord FREDERICK CAVENDISH stated that it was an entirely new work, and that no portion of it had as yet been commenced.

Mr. BIGGAR said, the only reason assigned why this Vote was necessary was that it was considered unsafe to deposit the Collections preserved in spirituous preparations in the same building where there was other valuable property. If it was a question of insurance, that would be a very reasonable excuse; but he wished to know if it was proposed to detach the new building altogether from the main building, or to have the two in communication with each other? He also wanted to know if any portion of the work had been done?

Mr. SHAW LEFEVRE said, the new building would be entirely detached, and would be some yards distant from the main building. The site was settled some time ago; but the building contracts had not yet been entered into.

Sir ANDREW LUSK understood the First Commissioner of Works to say that the spirits in which these objects were preserved were constantly changed. He was afraid that a constant change might become a very expensive matter, and that there would be a large Vote required year by year. The building itself was to cost more than £17,000, and if further expenses were to be incurred every year, he thought the time had arrived for putting a stop to the expenditure altogether.

Mr. ARTHUR ARNOLD remarked that, before the division was taken, he wished to point out to his right hon. Friend the First Commissioner of Works that he had not quite understood the principle for which the hon. Member for Swansea (Mr. Dillwyn) was contending. The contention of his hon. Friend was that, when an entirely new expenditure was about to be entered into in a Vote of this sort, it should be brought before the Committee as a new expenditure, and that the Minister in charge of the Estimate should make the Committee acquainted with the fact that there was a wholly new expenditure brought into the Vote. That course had not been taken on the present occasion, and his hon. Friend wished to enter a protest. If his hon. Friend went to a division, he (Mr. Arnold) should certainly support him.

Question put.

The Committee *divided*:—Ayes 17; Noes 66: Majority 49.—(Div. List, No. 231.)

Original Question put, and *agreed to*.

(11.) £20,000, Edinburgh University Buildings.

Mr. FINIGAN was very glad to find that Edinburgh was to have this money for educational purposes. But, if Scotland was to receive aid of this kind from the State, he wished to see similar aid extended to Ireland; and, therefore, he would ask the noble Lord the Secretary to the Treasury if the Government were prepared to do anything for Ireland similar to that which they were generously and justly doing for Scotland? The people of Ireland had raised very large sums for educational and University purposes; but he was not aware that they had received any very considerable assistance from the State, if, indeed, they had received any whatever. When this question was raised two years ago by the hon. Member for Galway, (Mr. Mitchell Henry) the Government said, if Ireland would subscribe a large sum of money, the Government then might consider some proposal for giving funds for an Irish University. He was not sure that the Archbishops and Bishops of Ireland were ready to do exactly what was done in Scotland; but the people of Ireland had given an equally large sum of money with the people of Scotland, and he thought the Government ought, therefore, to consider seriously whether they could help to establish a Catholic University in Ireland.

The CHAIRMAN: I must point out that, except by way of illustration, the hon. Member cannot under this Vote discuss the question of a Catholic University in Ireland.

Mr. FINIGAN asked the noble Lord the Secretary to the Treasury whether he had any compromise to offer or any hope to hold out to the Irish people that something would be done to place them on an equal basis with their Scotch brethren?

Lord FREDERICK CAVENDISH said, if the hon. Member would cast back his recollection to the University Act of 1879, he would remember that that Act provided for buildings for a new University in Ireland. The scheme for the new Royal University in

Ireland was not settled; but when it was the Government would consider what might be done in regard to the matter raised by the hon. Member.

Vote *agreed to.*

(12.) £7,109, to complete the sum for Harbours, &c., under the Board of Trade.

GENERAL SIR GEORGE BALFOUR asked whether the large amount estimated for a few years ago for the purpose of repairs to the Dover Pier had all been expended; and whether there were likely to be further demands for Votes for work to these harbours?

MR. EVELYN ASHLEY mentioned that a storm had caused much damage to the Dover Harbour this last winter, and necessitated a further demand being made; but of the £1,600 required £1,000 had been provided by savings on last year's Vote.

MR. FINIGAN wished to know why there had been only one visit made to the Irish coast with regard to the lights since December, 1879?

THE CHAIRMAN: Is the hon. Gentleman speaking of the present Estimate?

MR. FINIGAN replied that he was, and said he wished to know why, when the different lights on the English coast were properly examined, those on the Irish coast were not?

THE CHAIRMAN: The question of lighthouses will soon come on; but it does not come under this Vote.

MR. ARTHUR O'CONNOR mentioned that this Estimate included a sum of £820 on account of Harwich Harbour, as against £200 asked for last year. It appeared to him that it was a mistake to grant these sums of money, and the sooner the item was knocked out of the Estimates and Harwich Harbour put on a different footing the better. The condition of the Harwich Conservancy Board was a very extraordinary one. Last year it owed to the Treasury for advances £32,372 and £7,400 to the Public Works Loan Commissioners. The amount expended on works was, up to that date, £21,000; the engineering cost £2,300 extra; salaries, £6,000 more; land, £2,217, and, besides that, miscellaneous expenses, £1,300. He did not know for how many years the total revenue of the Board had been only £19,000; but there did not seem to be any prospect of the Board paying its way and getting out of debt. From a statement by the Board in 1880, it appeared that their assets consisted of a boat and stores with £22 4*s.*, and some ballast of the value of £10 12*s.* 6*d.*; so that, without taking into account all their liabilities, the Board was in an exceedingly bad way. At Harwich there were three authorities—the Harbour Board, the War Department, and the Great Eastern Railway Company. The Great Eastern Railway Company some time ago had a mishap with some of their works, and they asked the Conservancy to be allowed to dredge near a jetty, which was under the control of the War Department, for shingle. The Board communicated with the War Department; but a year elapsed before the letter was acknowledged. That being the condition of the Harbour Board, their revenue being very slight and their liabilities immense, it would be much better for Parliament to follow, in their case, the example set by Parliament in 1879 with regard to the Isle of Man Harbour Commissioners, and, by taking a composition for the debt, get rid of this annually recurring and unsatisfactory charge in the Estimates. A similar course was adopted in regard to the old harbour of Anstruther, in respect to a loan of £16,500 advanced by the Public Works Loan Commissioners in 1865 and in 1877. There was no reason why Parliament should go on continually subsidizing this harbour; and the Great Eastern Railway Company would, if left to themselves, probably do all that was necessary for the place in co-operation with the local authorities. He would advise the Government to bring in a Bill to relieve the Harbour Board from their liability for interest on the loans they had obtained, and so discontinue this annual Vote.

LORD FREDERICK CAVENDISH said, he wished the hon. Member could be with him when it was his duty to receive deputations asking for grants for constructing new harbours. It was very well to keep in mind the results which too often followed on the expenditure of large sums of money. This harbour was constructed on the representation of several bodies of authority, and with the approval of a Select Committee in 1862. It was perfectly true that the harbour had not been profitable; but he saw no reason why the Government and the country should forego the interest for loans they had granted. The interest in this case only amounted to £800 a-year; but, from time to time, it was necessary to take steps to protect the existing works. As long as they were asked to incur a large expenditure for making harbours, it was well to have before them the results which followed upon such expenditure.

General Sir GEORGE BALFOUR expressed the opinion that so long as the Government proceeded in the manner they had in the past done with regard to harbours they would have in the future like ruinous works going on as in the past. He attributed that result, in a great degree, to mismanagement at the Board of Trade. Twenty years ago the Useful Harbour Department of the Admiralty was abolished, and it was made the duty of that Board to look after all the harbours of the Kingdom; but, instead of doing that, they confined their attention to three or four harbours only, and paid but little or no attention to the works going on in the other harbours. In spite of that neglect and great failures in our sea harbours, the noble Lord approved of the advances being continued to be given for carrying on sea harbour works of the same defective character. The advances of public money already made amounted to a very large sum; but almost every harbour to which the Government had given grants or loans of money had been a failure, because the Government had not taken the necessary steps to ascertain how to construct the harbours. They had spent £800,000 on the Dover Harbour; but so defective was the work that it was unable to withstand the force of the waves, and considerable expenditure had to be incurred owing to damage that should not have occurred. Many other harbours had also failed, and yet no effort was made by the Government to investigate the causes of failure, except as to one harbour proposed to be constructed at Dover. There a Select Committee, of which he was a Member, had advised that a plan for this work, amounting to upwards of £1,000,000, was so defective as not to be trusted, by which Report £2,000,000 had been saved. If the Government had pursued inquiries, as that Committee did, they could have ascertained how harbours ought to be constructed. He thought the noble Lord could not do better than to take in hand all the harbours in the country, and trust to his own judgment rather than to engineers who were interested in bringing forward claims for advances of money, and to make harbours inefficient.

The CHAIRMAN: I wish to correct a misapprehension which I gave to the hon. Member for Ennis (Mr. Finigan), that under Vote 23 he might discuss the question of lighthouses. That Vote is for lighthouses abroad; but there is nothing in this Vote upon which lighthouses can be discussed.

Sir EARDLEY WILMOT was glad to find that the subject of harbours was receiving the attention of the Government, and he observed that there was no part of the coast which required more harbour accommodation than the East Coast. Between Hull and Harwich there was not a single harbour into which even small craft could run for shelter; and he would appeal to the noble Lord to consider the case of Filey Harbour, which he brought before the notice of the House by Resolution in 1876, but without success.

Mr. GORST wished to ask the Secretary to the Board of Trade (Mr. Evelyn Ashley) for an explanation of an observation of his which had puzzled several hon. Members. There was a sum of £600, part of £1,600 necessary for repairs of damage to the Dover Pier, caused by the storm on the 18th of January last. What they understood him to say was that £1,000 of that sum had been already provided out of savings in the Votes of last year. That must have been spent between the 18th of January and the 31st of March; and he wished to know in what Vote that amount had been saved, for it was difficult to see what item could, without the authority of Parliament, have been properly appropriated to the payment of expenses caused by the storm in January. He also wished to know whether it was the fact that the £1,600 did not include the whole expense?

Mr. EVELYN ASHLEY said, the Dover Harbour Vote applied to the Dover Harbour.

Mr. GORST asked whether that Harbour Vote was like the Military Vote; whether the Government were entitled to appropriate the savings on one item to another; and whether the Government recognized any control by Parliament?

Lord FREDERICK CAVENDISH pointed out that under sub-head A a full explanation was given. The money had been spent in accordance with the usual practice in such cases; and he asked the hon. and learned Member to consider what would have happened if that course had not been pursued. Either the damage would have been left unrepaired, and would have gone on increasing, or a Supplementary Vote would have been necessary in March, when no such sum was really wanted. He did not think either course would have commended itself to the Government. If any of the money saved was not rightly applied, attention could be called to it next year, and it could be dealt with by the Committee on Public Accounts, who would make a Report upon it.

Mr. GORST thought it very likely that the Comptroller General would take notice of the matter if no better explanation was given. The money voted by Parliament for Dover Harbour was appropriated to specific objects, and if it was not wanted for those specific objects the Government had no right to apply it to others. They must apply it to the purposes provided for by Parliament, and if Parliament did not vote any money which was applicable to the repairing of the damage caused by the storm, then there must be a Supplementary Vote. It was illegal for the Government to apply the money to purposes other than those specifically provided for.

Lord FREDERICK CAVENDISH, with all respect to the hon. and learned Member, thought it possible he was not absolutely correct. Sums voted by Parliament for harbours were not voted for specific items, but for harbours generally, and there was nothing illegal in applying the savings on one item to another.

Mr. BIGGAR asked whether or not money had been voted for the sea wall and other works at Dover Harbour in the Army Estimates? As to the question which had been raised on this Vote, it seemed to him that the harbour at Harwich was principally for the accommodation of the Great Eastern Railway Company; and he thought it would be desirable to bring about a compromise by which the Government should cease to have any responsibility with regard to Harwich Harbour, and to allow the Great Eastern Railway Company to take charge of the details connected with the harbour. After all, it was a very small undertaking; but it seemed to him rather beneath the notice of the Government, this giving of grants some years less than was received, and at other times more than was received from the Harbour Commissioners.

Lord FREDERICK CAVENDISH said, he had not the Army Estimates before him; but he was not aware that there was any sum for works at Dover Harbour included in those Estimates. The hon. Member probably referred to an item for fortifications there.

Mr. ARTHUR O'CONNOR remarked that, under the Vote for Harbours under the Board of Trade, the Public Accounts Committee of 1879 put a question to a Member of the Department, and the same question was also raised by the Comptroller and Auditor General, as to the Supplementary Vote to repair the damage done by a storm at Dover Harbour on January 1, 1877. This money was taken by the Board of Trade, £3,000 for re-building the sea wall, and £2,000 for recovering the stone washed away. A much less sum, however, was used for recovering the stone, and a much larger sum for re-building the wall; and, from the manner in which the Comptroller and Auditor General raised the question, it would seem that the contention of the hon. and learned Member for Chatham (Mr. Gorst) was correct. The answer was, that a smaller sum was expended on the recovery of *débris* than was anticipated, and a considerably larger balance was left for the construction of the wall, and in that manner the Vote was exhausted. Then the question was asked, he believed by the noble Lord himself, whether the presumption was that sooner or later more money would have to be expended on the recovery of stone? and the answer was—Yes; but not so much as was anticipated. It was clear, then, the money was not expended for the purpose for which it was voted, and the Committee was asked to supplement that Vote, thus being called upon to expend a larger sum than was intended, owing to this misappropriation. The Comptroller and Auditor General did not make any objection; but he did draw attention, seeing that the explanation did not fully meet the point, to the fact that money voted for one purpose was expended on another, by which means an expenditure greater than was originally contemplated was incurred.

LORD FREDERICK CAVENDISH said, this exactly confirmed what he had said, that when items of a Vote were expended under sub-heads different to the manner proposed, then this must be fully explained in the Appropriation Accounts. It was admitted that further expenditure was required to make good the damage caused by the storm of 1881; but he was informed that no more money would be asked for on this account by the Board of Trade. The works would be absolutely completed, and no Supplementary Vote would be required.

MR. GORST expressed alarm at the financial doctrine laid down by the noble Lord; and he felt sure that in 1877 the noble Lord would have been the first to find fault with it. The precedent of 1877 condemned it. In that case there was a Supplementary Estimate to repair the damage done by the storm, and the amount was divided under two heads, part for the recovery of stone washed away and part for rebuilding. All that was done on that occasion was, that money intended for the recovery of stone was appropriated to the new wall; but it all went for the great object, the repair of Dover Pier. But on that occasion the noble Lord seemed to think it was somewhat irregular and required explanation. But now what was the doctrine laid down? It was that money saved in any part of Dover Harbour might be expended to make good unexpected damage done by a storm. For instance, there were, say, four gatekeepers, receiving £1 2*s.* a-week; and the Government, according to that doctrine, might, if they saw fit, discharge those four gatekeepers and save £250, which it was open to them to use to repair damage done by a storm to Dover Pier. The noble Lord could not mean that? If that was really the financial doctrine of the Treasury, what was the good of putting this number of items before the Committee of Supply? What was the good of amusing Members with a number of particulars of the purposes for which money was to be voted, and then tell them that it was open to the Treasury to devote the money thus voted to an utterly strange purpose. In the case of 1877 it was simply the application of money to the building of the wall instead of the recovery of the lost stone.

LORD FREDERICK CAVENDISH said, the only difference in the two cases was, that in 1877, there being no money that could be applied to the purpose, a Supplementary Vote was taken; while in the present instance there was, and, therefore, a Supplementary Vote was not taken. The doctrine of the hon. and learned Member for Chatham would lead to the utmost extravagance, and whenever an unforeseen demand arose a Supplementary Vote would be always taken and no saving effected, for there would be no inducement to effect savings. Supplementary Estimates were now far too large; but under such a system they must become much larger. That doctrine, he thought, would be approved by his hon. Friend the Chairman of the Public Accounts Committee—namely, that the Treasury had authority to authorize the application of savings under the Vote to other heads of that Vote; but it was their bounden duty to see that that application was fully explained in the Appropriation Accounts, so that the Committee of Accounts could call attention to any irregularity by the Auditor General, and subsequent action could be taken by the House if necessary.

MR. RYLANDS said, there was no doubt this was the proper course, and the hon. and learned Member for Chatham had rather found a mare's nest in calling attention to these circumstances. He agreed with the hon. and learned Member, however, so far as he expressed an opinion that this was a practice that required narrowly watching. In this particular case there was no objection, but on the contrary an advantage, to the country in the course taken by the officials; yet he had seen cases in which Votes had been taken for objects which had not been carried out by the Government, and the money so taken had been, with the sanction of the Treasury, devoted to objects not contemplated by Parliament at the time of the passing of the Vote. But in every case the utmost care should be taken by the Treasury; and he was sure the Chairman of the Public Accounts Committee (Sir Henry Holland) watched with great care the transfer by Departments of money from one item to another, and the application of money to purposes upon which Parliament was not called upon to vote.

Sir EARDLEY WILMOT asked if the construction of the turret at the extreme end of the Admiralty Pier, and the expense of raising an enormous gun there, now being incurred, was included in the Army Estimates, or those now under consideration?

Lord FREDERICK CAVENDISH replied, no expenditure with reference to turrets or guns was included in this Vote; expenditure of that character would come under the Army Estimates.

Vote *agreed to.*

(13.) £100,633, to complete the sum for Rates on Government Property.

Mr. ARTHUR ARNOLD asked upon what principle the rating of the property was calculated, and if on the principle usually adopted by the local authorities, was it not true that there were payments of salaries and expenses in addition?

Lord FREDERICK CAVENDISH said, these contributions had been considerably enlarged of recent years, as had been stated in the House by the late Chancellor of the Exchequer. The local authorities had no power to value Government property, and settle the rates by an Assessment Committee; but an agreement was arrived at between the local authority and the Government officer, whose pay was included in the Vote, and who conducted his work most efficiently, as was shown by the fact that the Vote did not show a rapid tendency to increase in any one year. He believed that officer was most efficient in his duty; he said the various local authorities, and in all questions that arose effected a most satisfactory settlement.

Mr. DILLWYN said, he should prefer that the rates should be paid as all other rates were. That would be more fair and satisfactory than to allow the Government to settle arbitrarily what amount should be paid. If Government property were rated as other property was, the Government would have a direct interest in seeing that property was properly assessed in the parish.

Mr. RYLANDS referred to the particulars given of this Vote, and the last but one item, in which police courts were included. He would like to know whether, in addition to building the police courts, the State should pay the rates upon them, or contribute a certain amount towards those rates? And in reference also to the Parks, which certainly were maintained at considerable expense, it seemed to him that the Metropolis ought to have some share in the maintenance of those places within the Metropolitan area.

Lord FREDERICK CAVENDISH said, that contributions were made on account of the police courts which were vested in the Board of Works, and had to contribute like any other property. With regard to the arrangement in respect to the Parks, he would inquire what were the variations from the general principle.

Mr. DUCKHAM agreed with the hon. Member for Swansea (Mr. Dillwyn) that all Government property should be generally assessed upon the same principle as all other properties; and he thought the Committee should be in possession of some information as to the quantity and extent of Crown Lands and other Government property they were asked to contribute for. He had not seen any statement putting forward any information of the kind. A question of this kind arose in connection with the Crown property in the Forest of Dean, lately the subject of a deputation, of which he was a member. They waited upon the noble Lord the Secretary to the Treasury, when a member of the deputation stated that there were upwards of 22,000 acres of Crown Lands in that forest. The noble Lord said there were only some 7,000 or 8,000 acres. Upon referring to Domesday, he (Mr. Duckham) found 9,500 acres given as the quantity; but upon further inquiry he had ascertained that there was upwards of 20,000 acres. He really thought the Committee should be in possession of some further knowledge on the subject.

Lord FREDERICK CAVENDISH said, the question in regard to the Forest of Dean was now in process of settlement. He was unable just then to give the number of acres.

Sir HENRY HOLLAND asked why there was an item in the Vote for the maintenance of the Richmond and Hampton Court Road, in addition to the contribution for rates on account of the Parks?

Lord FREDERICK CAVENDISH said, he did not think the Royal Parks paid rates, and the obligation of maintaining this road fell upon Parliament, until, by a recent arrangement, the maintenance of the road was transferred to the local authority on condition of certain payments.

Sir ANDREW LUSK said, he did not think, with respect to this Vote, that the Committee should be too hard upon the Government. He recollected some 30 years ago that the Government did not pay rates on Government Offices. It was then said it was a shameful thing, and unjust to the parish that this should continue. After a time the Government gave way to this objection, and now they had Votes asked for on account of rates for the Inland Revenue Department, the Excise, the Customs, and all the Government Offices. And now there was a disposition to find fault with this manner of dealing with the subject. It was certainly rather a peculiar way of returning thanks for a good done.

Mr. GORST said, it would be satisfactory if the noble Lord would explain how the Inspector arrived at the amount of the rates to be paid for Government establishments. In some places, and particularly in his own constituency, Government establishments formed a very considerable portion of the rateable property of the town; and, so far as he had been able to arrive at any knowledge of the local circumstances, the payments depended upon the will of the Inspector, without control from the local authority or the House; he determined from his own will the amount the Government ought to pay. In fact, the Government assessed themselves in an arbitrary manner, without reference to or hearing the local authority. He (Mr. Gorst) thought that the local authority should be heard in the matter before the Government contribution was arrived at. He hoped he might be mistaken, but he believed that the amount was arrived at in the most arbitrary way, without any consultation with the local authority, or reference to the overseers, or anybody else.

Lord FREDERICK CAVENDISH said, the sum was fixed after negotiations personally carried on between the Inspector and the local authority.

Mr. FINIGAN asked for explanations with regard to sub-heads C, D, and E. How was it that the Vote for Ireland for this current year was some £40,000, or £6,000 less than last year; while he found that, as regarded Scotland and England, there was an increase in the amounts granted, except in one instance. He wished to know in what particular item this decrease of £6,000 was effected?

Lord FREDERICK CAVENDISH said, he had the particulars of Vote 18 before him, and he observed that, as regarded Ireland, the sum was identically the same as last year; while, in the case of England, there was a decrease of £1,200.

Mr. PUGH wished to ask whether the Crown Lands in Wales paid contributions towards the rates?

Lord FREDERICK CAVENDISH said, in those instances the contributions proceeded on the same principle as that of private property. He was not certain whether the Crown owned any land in Wales. He thought that the property consisted of manorial rights; and, if he was right, those did not pay rates. In the case of Government mines, those would be rated just as private property was.

Mr. ARTHUR O'CONNOR thought the noble Lord had not quite understood the question of his hon. Friend the Member for Ennis (Mr. Finigan). He wished to refer to the bottom of page 45, sub-heads C, D, and E, where it would be observed that for Admiralty Property, Board of Trade Property, Inland Revenue, Post Office, Prisons and Criminal Lunatic Asylums, in rates and contributions, in lieu of rates, there was an increase in all the English Departments except in one instance, where it was the same as last year. What he wanted to know was how it came about, and by what arrangement with the local authority it was by which the £46,452 of last year, as shown on the same page for Public Buildings, Law Courts, Constabulary Barracks (Ireland), Police Courts, &c., was reduced to £40,000, whereas in all other items under sub-heads C, D, and E, there was an increase? In the case of England and Scotland, the expenditure was maintained at less than the sum given. There was a saving. But in the case of Ireland the grant was exceeded by £965. Therefore, it appeared there was some change of circumstances or some arrangement of a novel character.

Lord FREDERICK CAVENDISH explained that the word "Ireland" only referred to the item "Constabulary Barracks," and all the other charges had reference to the United Kingdom.

Vote *agreed to.*

(14.) £5,000, to complete the sum for Metropolitan Fire Brigade.

MR. ARTHUR O'CONNOR, in connection with this Vote, referred to the Report of the Metropolitan Board of Works, and he found that, though £10,000 was voted last year, the Board of Works only admitted the receipt of £7,500; and, looking back through a number of years, he found that in other instances they only admitted £5,000, and he was unable to find one year in which the whole amount was accounted for.

LORD FREDERICK CAVENDISH could only account for the discrepancy by supposing that the Metropolitan financial year differed from the Parliamentary financial year. It was very possible that the sums voted in one year came into the Metropolitan accounts under another year.

MR. ARTHUR O'CONNOR said, in that case one year ought to balance another.

LORD FREDERICK CAVENDISH observed, that in the year 1879-80 £10,000 was expended, and he had no doubt the same thing would be found in respect to last year.

Vote *agreed to.*

(15.) Motion made, and Question proposed,

"That a sum, not exceeding £148,926, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection, Repairs, and Maintenance of the several Public Works and Buildings under the Department of the Commissioners of Public Works in Ireland, and for the erection of Fishery Piers, and the Maintenance of certain Parks, Harbours, and Navigations."

MR. ARTHUR O'CONNOR asked as to the charge of £47 4*s.* 8*d.* made for the expenses of the civil engineer in surveying Galway Harbour?

LORD FREDERICK CAVENDISH hoped there would be no similar expenditure this year. That sum was, no doubt, paid out of the grant for the last financial year.

MR. ARTHUR O'CONNOR said, there was another subject that arose in connection with this Vote, and that was the building belonging to the Registry of Deeds Commission in Ireland, with regard to which very strong representations had been made from Dublin. In connection with the matter he wished to call attention to the last Report—the second Report of Her Majesty's Commission to inquire into the law relating to the registry of deeds in Ireland for 1881. Complaints had been made by the clerks employed in the searching room. The rooms had been examined, and the result of the inspection showed that the accommodation afforded was wholly inadequate for the due performance of the business of the Office. The accommodation ought to be at least three times what it was at present, and the public were not provided with the accommodation they were entitled to. The Report went on to say that it was absolutely necessary to provide a further space for the future wants of the Office. It had been suggested that a new set of rooms should be built for the probate business, and that further accommodation should be provided for the registry of deeds, suitable accommodation being provided for probate in a building adjoining the Probate Court, the present offices being a mile distant. It was recommended that the expense of making this fresh provision should be defrayed out of the sum transferred to Her Majesty's Treasury from the surplus sums received from the registry of deeds. The late Sir Dominic Corrigan made an inspection of the building in 1860, more than 20 years ago, and prepared a very strong Report. Some attempt had been made to remedy the defects pointed out by Sir Dominic Corrigan; but they were altogether inadequate for the purpose. Now, after that representation, he hoped to hear from the noble Lord that the matter would be at once taken in hand, especially as it appeared that the large sum of £30,000 was carried to the Treasury account from the Registry of Deeds Office, from which the public of Ireland received no corresponding advantage. It was only reasonable to provide that that money should be expended in work that was really necessary instead of being transferred to the Treasury.

MR. A. M. SULLIVAN thought that a very little inquiry would show that the location of the registry of deeds required careful investigation on the part of some of the authorities of the

Crown in Dublin; and, as he saw the Solicitor General for Ireland in his place, he thought his hon. and learned Friend would corroborate what he said. The present position of Henrietta Street presented a very favourable opportunity for the Government taking action in the matter, owing to the deterioration of property there. There were very magnificent houses at one time in that street, and plenty of room might be found for the Registry of Deeds Office and for other Offices in connection with public affairs in Dublin, which he thought ought to be concentrated, and Henrietta Street would afford very excellent advantages for that purpose. He hoped the Government would not wait until the value of property went up, when they might have to pay twice as much for it as they would now. He had heard it suggested that Henrietta Street should be closed at the bottom, and the whole of the street devoted to Law Offices, which would be convenient for the Law Officers and the Irish Executive.

Lord FREDERICK CAVENDISH said, the Report to which the hon. Member for Queen's County (Mr. A. O'Connor) called attention had been presented since this Estimate had been prepared. It was now undergoing careful consideration, and when it had been fully considered he would be prepared to state what the Government would do in the matter.

Major NOLAN complained of the Vote of £4,462 for the model schools. He thought that, as these schools were strongly objected to by the bulk of the population, it was a great pity that Parliament should be voting large sums of money against the wish of the majority of the Irish Members in order to keep them up. The Government often said they were anxious to meet the views of the Irish Members; but that case of the model schools was an instance in which English prejudices and English feeling had been entirely consulted, while Irish feeling had been entirely set at nought. £4,462 was a large sum of money, and he did not think it should be expended in forcing a system which the bulk of the population greatly disliked. The schools were not of much use to the people, because a very small proportion of the Roman Catholics availed themselves of them, and he thought the Government ought to inquire into the matter. The Roman Catholics had no objection to the Protestants having their own schools, but they objected to the mixed schools.

The CHAIRMAN: I wish to point out to the hon. and gallant Gentleman that this is only a question of buildings, and that the general question of education cannot be raised on this Vote.

Major NOLAN said, he strongly objected to the buildings which were used for this purpose. He considered that in paying money for them, without entering a protest against the payment, he would be a consenting party to what he looked upon as an iniquitous system; and, as he had already said, he thought the wishes of the Irish Members were entirely set at defiance. He begged to move that the Vote be reduced by the sum of £4,462 less the money voted on account.

Motion made, and Question proposed,

"That a sum, not exceeding £144,464, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection, Repairs, and Maintenance of the several Public Works and Buildings under the Department of the Commissioners of Public Works in Ireland, and for the erection of Fishery Piers, and the Maintenance of certain Parks, Harbours, and Navigations."—(*Major Nolan.*)

Mr. BIGGAR supported the Amendment for this reason—that the system of education carried on in Ireland was an unfair one, and placed the Roman Catholics at a considerable disadvantage. They had at their own expense to provide for their own pupil teachers; and this was practically a grant for the really non-Catholic population. The Irish Catholics were entirely opposed to it. He would, however, ask his hon. and gallant Friend to withdraw the Motion, because he found that he (Mr. Biggar) would be unable to move a Motion for the reduction of this Vote by a still larger sum, including the sum charged for Constabulary buildings in Ireland generally, and for the Queen's Colleges at Belfast and Galway.

Mr. GORST wished to ask a question upon a point of Order. He understood the Chairman to say that the hon. and gallant Member for Galway (Major Nolan) was not in Order in discussing anything except the buildings; but under sub-head B there was an item for the pay of servants in the Appendix at page 53. The list of servants whose salaries were charged was a long one, and he wished to know whether it would be in Order to discuss the salaries of the servants?

SIR PATRICK O'BRIEN said, that a strong feeling existed in the county he represented upon the question of model schools. In King's County a very handsome building had been erected, upon which a sum of £5,000 or £6,000 had been expended. That expenditure would have been altogether unnecessary if the model schools had been satisfactory. Therefore, in that particular instance his constituents were affected, not only in regard to the question of principle, but also in reference to the actual money voted. It was a matter that excited great attention in all parts of Ireland, and he knew that it was creating much difference of opinion and very great annoyance. He did not imagine that his hon. and gallant Friend would carry his Motion; but as the Motion was in accordance with the strong feeling entertained in Ireland, he should support his hon. and gallant Friend if he went to a division.

LORD FREDERICK CAVENDISH would submit to the hon. and gallant Member for Galway that the item he proposed to strike out was mixed up with the question of Irish education, and that it was necessary, in order to keep the existing buildings in decent order and repair. He thought that it would be better to raise the discussion on the Vote for Irish Education.

MAJOR NOLAN said, the question was a very important one, and he thought it was one on which the Committee should pronounce an opinion. It was not a question of religious equality, but an attempt to force upon a large class of the population a system which they totally disliked. They would rather see the whole of these houses pulled down than that they should be conducted as they were now. He should be very sorry to see them pulled down; but he should prefer that to having them continued on their present basis, which, in effect, was spoiling a large part of the education in Ireland, because the consequence of the existing bad system of training was that a great part of Ireland was without training at all. Therefore, if he got any support from the Irish Members, he should certainly divide the Committee.

SIR ANDREW LUSK said, that the hon. Member for Burnley (Mr. Rylands) and other Members had complained of the Metropolitan Police Courts. He asked why they did not raise similar objections to the sums that were proposed to be voted for the police stations in Dublin? He found no fault with the Vote himself; but he felt bound, as the Representative of a Metropolitan constituency, to draw attention to the incongruous conduct of hon. Members who disapproved of money being voted for certain purposes in London, but refrained from objecting to the voting of money for identical purposes in Dublin.

MR. BIGGAR thought that the position taken up by the Government was altogether indefensible, because it was in favour of one particular religion at the expense of another. Personally, he was very much in favour of a good system of elementary education all over Ireland; but these model schools gave a special advantage to a particular class.

THE CHAIRMAN: I must remind the hon. Member that the general subject of education cannot be discussed on this Vote.

Question put.

The Committee *divided*:—Ayes 15; Noes 130: Majority 115.—(Div. List, No. 232.)

Original Question again proposed.

MR. ARTHUR O'CONNOR called attention to a charge for £700 in page 49 of the Estimates, which was made up of the following items:—Cost of Laying on Vartry Water to the Dundrum Criminal Lunatic Asylum, £400; increasing Shelter Shed, Male Yard, £50; and Building Cottage for Head Attendant, £250. He would remind the Committee that over and over again there had been remonstrances in the Commissioner's Report addressed to the Executive with regard to the condition of the Dundrum Criminal Lunatic Asylum, and that comparisons had been frequently made in respect of that building with other Institutions, and with the arrangements made at the public expense at the Broadmoor Criminal Lunatic Asylum. The difference between the two Institutions was very remarkable; and with regard to the Asylum at Dundrum the last Report was to the effect that the accommodation did not increase from year to year, *pari passu*, with the number of residents; that there were sometimes as many as 14 inmates beyond the normal accommodation of the building; that the dining room, which contained an area of only 800 square feet, was overcrowded to a most miserable degree; that there was no dining room for the female patients, who had always to take their meals in the rooms where they were habitually employed; and, finally, that if another dining room were erected for the females at the end of the kitchen good results would follow. The Commissioners went on to express their concurrence in the opinion that the Asylum was much overcrowded, and that increased dining room accommodation and water supply were necessary. That being the case, one would have supposed that the Government would at least have done something for the accommodation of the overcrowded staff and inmates of the Asylum; but absolutely nothing had been done except the building of a cottage for the head attendant, which the resident officer and the Commissioners never proposed at all. Under the circumstances, he asked whether it was intended to carry out any further works at the Asylum in question?

LORD FREDERICK CAVENDISH said, if the hon. Member for Queen's County would look at the Irish Votes he would see that a larger expenditure than usual had been made on Irish public buildings during the present year. He believed the rest of the work at Dundrum Asylum would soon be undertaken; but up to the present time the most urgent alterations only had been carried out. Any further sums that were required would be included in the Supplementary Estimates.

MR. ARTHUR O'CONNOR said, that no doubt a larger sum of money was asked for this year than last year for Ireland; but it did not at all follow that the money asked for would be spent. It was well known that money was often voted by Parliament for works which were not carried out; and if hon. Members would turn to page 48 of the Estimates they would find there three re-Votes for additions, alterations, and improvements at sundry stations. It was, therefore, no answer to his question to say that more money was asked for this year than for last year. But supposing the statement to be correct, what had it to do with the works at Dundrum? The medical officer stated that there was no place for the inmates to take their meals in; that the men were overcrowded in the only dining room which existed in the building, and that the women had to take their meals in the rooms where they were habitually employed out of meal times. The consequence of this was a very unfair strain upon the staff of attendants—one of the greatest disadvantages being that to get the work done at all it was necessary to tax the energies of the staff far beyond what was right. The cottage that had been built for the head attendant had neither been asked for by the Commissioners nor the resident officer; it was a matter of secondary consideration, and had been left out of the scheme of alterations which were represented by the officials as of primary importance. He asked the noble Lord to give some assurance that he would inquire whether due consideration had been given to the representations which had been made over and over again with reference to the deficient accommodation at Dundrum.

LORD FREDERICK CAVENDISH said, if the hon. Member wished it, he would inquire the exact reason why the cottage for the head attendant had been built. The hon. Member had stated that money was frequently asked for that was not expended. It was true that this had sometimes necessarily been the case; but if he would look to the last Appropriation Accounts he would see that the Estimates were equalled by the amount actually expended. Upon examination he would also see that the estimated expenditure on work in Ireland was nearly £40,000 more this year than last.

MR. BIGGAR said, it seemed to him that the noble Lord advanced an entirely new kind of argument in saying that a larger sum was asked for in the present Estimates than in those of the previous year for the purpose of buildings in Ireland. The contention of his hon. Friend, however, was not that the sum asked was too small, but that the money was wrongly spent. His hon. Friend asked for an assurance that the noble Lord would make inquiry as to whether or not the money was spent on a certain public building; and, in doing so, he pointed out that according to the Report of the resident officer and the Commissioners, improvements were required which had not been made. He (Mr. Biggar) also complained that there were sums of money asked for in this Vote which should not be there at all. Under the Estimate for new stations, for instance, there was something like an increase of £1,000 over the Estimate of last year; and, again, on page 48, there was a large item for converting buildings for the use of the Constabulary. He asked the noble Lord to afford an explanation as to how these charges had arisen? If the replies of the noble Lord were inadequate to the questions asked, he might feel himself called upon to move a reduction of the Vote.

LORD FREDERICK CAVENDISH said, the main part of the expenditure referred to by the hon. Member for Cavan (Mr. Biggar) had been incurred in the conversion of bridewells, which were no longer required, into barracks. Another item of £3,000 was for improved accommodation in connection with Dublin Castle. He had himself carefully examined the expenditure in connection with this item, and it had been the subject of like examination on the part of the Board of Works. Small sums were also required for improvements at Queen's College.

MR. ARTHUR O'CONNOR pointed out that when money was voted two years ago for improvements at Ardglass Harbour, it was said that the money would be used as much as possible in giving employment to a number of poor people in the neighbourhood. Since that time, however, practically no work had been done at all. This was a case where money had been voted, and re-voted by the House, and where, the works not having been proceeded with, the money had been returned to the Treasury. In 1879-80, the House voted for repairs and improvements at Ardglass Harbour, £7,000, but only £3,900 of that sum was spent. In 1880-1, the sum of £10,000 was voted, and had that amount been expended the Committee would now only be asked for a further sum of £1,100. But as they were asked for £5,800, it was perfectly clear that £4,900 must have been returned to the Treasury. It appeared to him a perfect farce for the Government to apply to the House year after year for this money, on the ground that it was wanted for the purpose of making a port for fishing vessels to run into, and in order to give employment to hundreds of men, who were nearly starving, in the neighbourhood. An assurance was given last year that the works at Ardglass should be energetically taken in hand. But the money was never spent. What assurance, then, had the Committee that the works would be proceeded with and the money expended now? He wished, also, to call the attention of the noble Lord to the very substantial increase in the amount asked this year for the Dublin Castle residencies, not only for maintenance and repairs, but for furniture, fittings, and utensils.

LORD FREDERICK CAVENDISH said, that the Board of Works in Ireland were most anxious to push on the works at Ardglass as quickly as possible. If the hon. Member had any experience of harbour works, he would know that it was not always possible to calculate the exact time at which they would be completed. With respect to the furniture of Dublin Castle, it was only right that it should be re-placed from time to time when necessary, and it was for this purpose that the money was asked.

MR. BIGGAR said, there were two items in this Estimate relating to works of which he had some personal knowledge—namely, Donaghadee Harbour, £685, and the Ulster Canal, £1,286. The harbour at Donaghadee was at one time a packet station for the Scotch mail running between Ireland and the North of Scotland. It had now become simply a harbour for coasting vessels, and had no connection with Government affairs, and any money which was spent upon it appeared to him to be thrown away. It was, moreover, of very small importance, either as a place for coasting or fishing vessels. The harbour was, no doubt, substantially built; but the annual sum asked for the purpose of repairs was much more than it ought to be. With regard to the item of £1,286 for the Ulster Canal, the money was simply a gift to the proprietors, who charged heavy tolls on the traffic. He was unable to see why the Committee should subsidize this Company.

LORD FREDERICK CAVENDISH was understood to say that the repairs to the Donaghadee Canal were the result of a survey which had taken place, and which had been considered by the Commissioners of the Board of Works. The hon. Member for Cavan (Mr. Biggar) was entirely mistaken in his opinion that the payment on account of the Ulster Canal was in the nature of a subsidy to the proprietors. A loan had been contracted, and as there was no possibility of the Company being able to repay either the loan or the interest upon it, the Canal had been transferred to the Board of Works.

Major NOLAN wished to draw the attention of the noble Lord to the charge of £112 for the canteen at the Ordnance Survey Office, Mountjoy Barracks. He believed this was the first time the Vote had appeared on the Civil Service Estimates. As a general rule he thought canteens might be regarded as interfering very much with the trade of licensed victuallers, although they were, undoubtedly, at times, great conveniences. He objected to them in connection with the Civil Service on the ground not only that they interfered with the trade of persons who paid large sums of money for licences, but because, if the practice were allowed, all the Departments of the Civil Service would soon be having canteens kept up at the Government expense.

Mr. BIGGAR mentioned that in the year 1861 a large further sum was spent on this place, the real fact being that there was great competition between the different localities and the Railway Companies as to which should carry the mails to England. After a great deal of public money had been spent in engineers' fees and on actual work, it was finally decided that Portpatrick was not a suitable place. He would advise the Government to cease making grants to Donaghadee, for it was only throwing money away. Donaghadee was a small place, and if it did not suit those who used it to keep it in repair, he did not see why the Government, who got no advantage from it, should advance money. The argument was that because a great quantity of money had been thrown away, more should be thrown away; but that was a very weak argument. He thought the system of lending money to public companies in Ireland a very bad one. Lending money was good in some cases; but so far as he could remember, he never derived any advantage from it, and thought he never should. With regard to this Vote there was one very objectionable item, and that was the increase for the Constabulary. There was an increase for the Constabulary depôt in Phœnix Park of £501, and an increase for the Constabulary in Ireland of £1,090. That represented the total increase; but it did not, he supposed, represent the whole sum the Government would propose. That was in addition to the large sum already referred to for making bridewells and Constabulary barracks, so that the increase for buildings was something enormous. He begged to move to reduce the Vote by the sums by which it was proposed to increase the Vote of last year—£501 in one case, and £1,090 in the other.

Motion made, and Question proposed,

"That a sum, not exceeding £147,335, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection, Repairs, and Maintenance of the several Public Works and Buildings under the Department of the Commissioners of Public Works in Ireland, and for the Erection of Fishery Piers, and the Maintenance of certain Parks, Harbours, and Navigations."—(*Mr. Biggar.*)

Mr. ARTHUR O'CONNOR asked the hon. Member to withdraw the Motion to enable him to move an Amendment.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Mr. ARTHUR O'CONNOR said, the item he proposed to reduce was that under Sub-head B, for Constabulary Buildings. He wished first, however, to say, with regard to the Ulster Canal and the Donaghadee Harbour, that he entirely agreed with the hon. Member for Cavan (Mr. Biggar). As to the latter, of the £770 voted, £400 went in pay; and, as a matter of fact, all that was done last year was to remove certain stones from the entrance to repair a portion of the sea wall, which probably did not cost more than £70 or £80 of the £770. With regard to the Ulster Canal, the total amount of the tolls last year was only £86, and the total in the previous year only £56; so that the Government were spending £1,200 or more to get back £50 or £60. Anything more ridiculous could not be imagined, and he thought the Government would be justified in bringing in a Bill to put an end to that expenditure. Then, with regard to the public buildings, there was first of all an item for building new cells at Tralee. Those cells, if intended for ordinary prisoners, ought to have been made a long time ago; but the reason why they were now wanted was that the Government had taken it into their heads to arrest on what they called reasonable suspicion some of the most high-minded and best conducted men in Kerry. There was an item of £98 which he proposed to knock out of the Vote on that account. Then there was another item for the conversion of certain bridewells into barracks for the Constabulary. The total was £6,413, of which it was proposed to take £2,413 now. Then there was an item of £3,000 for converting certain military barracks into Constabulary barracks. He proposed to reduce this Vote by £5,501 on account of Constabulary Buildings

Motion made, and Question proposed,

"That a sum, not exceeding £143,425, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Erection, Repairs, and Maintenance of the several Public Works and Buildings under the Department of the Commissioners of Public Works in Ireland, and for the Erection of Fishery Piers, and the Maintenance of certain Parks, Harbours, and Navigations."—(*Mr. Arthur O'Connor.*)

LORD FREDERICK CAVENDISH said, he should be obliged to any local authority that would take charge of Donaghadee Harbour; and with regard to the Ulster Canal, that had been found so unsatisfactory that a Royal Commission was appointed to inquire into it, and they were still pursuing their investigation. As to the Constabulary barracks item, a very large portion of that was for the conversion of barracks in lieu of barracks now existing; and the conversion would give good accommodation for the Constabulary. With respect to the Tralee cells, and their supposed object, he could assure the hon. Member that his explanation was not correct. The expenditure on those cells was decided upon long before the Act referred to was passed, and was simply for an ordinary improvement.

Question put.

The Committee *divided*:—Ayes 6; Noes 149: Majority 143.—(Div. List, No. 233.)

Original Question again proposed.

MR. BIGGAR was glad to find that the attention of the noble Lord had been drawn to the Donaghadee Harbour and the Ulster Canal, and repeated his opinion that the money voted was thrown away. He had intended to move to reduce the Vote with regard to Constabulary buildings in different parts of Ireland, and in Phœnix Park; but, seeing that the same principle was involved in the item upon which a Division had just been taken, he would not move his Amendment.

Original Question put, and *agreed to.*

(16.) Motion made, and Question proposed,

"That a sum, not exceeding £10,000, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Expenses preparatory to and of the erection of the Museum of Science and Art in Dublin, and of additions to the School of Art in Dublin."

MR. ARTHUR O'CONNOR asked the noble Lord the Secretary to the Treasury for some information as to the condition in which these buildings were, and the amount that had been advanced this year for this purpose? The noble Lord had said four times over that he was personally exceedingly anxious to push on these works; but the anxiety of the noble Lord was not altogether satisfactory, because it was not fruitful. There were £5,000 voted in 1879-80 for this purpose, but only £3,164 were expended, and £1,800, or more, were returned to the Exchequer. In 1880 £20,000 were voted, and that, if expended, would have made £23,000 out of the £25,000 voted. But that progress had not been made which might reasonably have been expected.

MR. GORST wished to call attention to what, he thought, was a most objectionable practice in regard to this Vote. A Vote was taken for a new building, the site and cost of which were still uncertain. The Committee was asked to vote £3,500 to commence a building, when the Government had not ascertained either where the building was to be constructed, or what the total cost would be. Before Easter he supported the hon. Member for Swansea (Mr. Dillwyn) and the hon. Member for Burnley (Mr. Rylands) in protesting against an example of this kind in England, and he hoped he should now have the support of those hon. Members in protesting against Parliament being asked to grant expenditure before they had an Estimate of the total amount.

Mr. RYLANDS observed, that the hon. Member did not move the reduction of the Vote. The House had again and again laid down the principle that it should not commit itself to a first Vote upon any new expenditure without having before it a full and detailed statement of the entire expenditure it was intended to incur. He might remind the noble Lord that a few years ago there was an item put down in the Votes for expenditure contemplated for buildings adjoining the present Houses of Parliament. He ventured to question this charge; and, on the ground that the Government were unable to give this full information, the Vote was withdrawn, and the building had never been erected. There a large expenditure was contemplated, and an expenditure which was admitted was not justified. Under the circumstances, unless the Committee had a full explanation of the total cost proposed to be incurred by this Vote, if his hon. Friend moved the reduction of the Vote, he should support him.

Sir R. ASSHETON CROSS was gratified to hear the voice of the hon. Member once more raised, after it had been long silent, and the more so that, in this instance, he entirely agreed with him. He thought it had long ago been agreed that no Vote should be taken on account of any new work without Parliament knowing the estimated cost of the whole. Otherwise, they must get into the extraordinary position of committing themselves to a part of a building, and then, perhaps, be compelled to admit that, after all, that money was wasted. He trusted the noble Lord would be able to give the information desired, and would be prepared to show the cost of the whole. He really thought it was a matter never disputed, that before voting money for a new building, they should know the cost of the whole. Unless the Committee had that explanation, he thought the Vote should be withdrawn.

Lord FREDERICK CAVENDISH agreed with the general doctrine thus laid down; but the circumstances of the present case were peculiar, and arose partly out of the action of the late Government. The Kildare Street site was purchased by the late Government on the understanding that new Science and Art Buildings were to be erected. A long controversy arose as to the site best adapted for the buildings, and hon. Members from Ireland began to express doubts whether the Government had the intention of fulfilling the pledge they had given, and it was felt that though the building had not been definitely settled as to site, a sum should be asked for in order that the work might be commenced when a decision was arrived at without delay. He was not prepared to state the exact site, or the entire cost, for until the site was settled they were unable to get out the plans upon which to base an Estimate. As soon as the site was settled, and he was informed by his right hon. Friend (Mr. Mundella) it was settled, the Board of Works would invite competition for plans, and he would be in a fair way to give full information before the Session was over. If, meantime, the Government had not placed this sum on the Estimates, they would have been open to the charge that they had no earnest intention of fulfilling the undertaking they had given.

Mr. BIGGAR, with regard to the item under A, the grant to the Royal Irish Society, thought it was a peculiar grant to make in aid of a cattle show, and he was not aware that any English Society received any such grant.

Lord FREDERICK CAVENDISH explained that this was in accordance with an agreement by which the late Government purchased the land. It was not a grant to the Society, it was simply purchase money which had to be paid for the land and buildings, and this was the final instalment.

Sir R. ASSHETON CROSS asked, was the site now settled, and the price arranged?

Lord FREDERICK CAVENDISH said, the price was arranged, but not the plans.

Sir R. ASSHETON CROSS asked, could not the noble Lord arrive at an Estimate for the completion of the work?

MR. GORST, in order to raise this question in a definite form, moved to reduce the Vote by the sum of £3,500, the amount proposed towards the erection of the new building.

Motion made, and Question proposed,

"That a sum, not exceeding £6,500, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Expenses preparatory to and of the erection of the Museum of Science and Art in Dublin, and of additions to the School of Art in Dublin."—(*Mr. Gorst.*)

MAJOR NOLAN was quite astonished at Representatives of the late Government getting up and threatening this Vote. It was frequently brought before the late Government that an unjust state of things existed in Dublin in connection with the matter, while enormous sums were being voted for Science and Art in England, and the late Government professed anxiety to do something to remedy this grievance. Now, it appeared that the buildings were only delayed pending the preparation of specific plans. Let hon. Members look back to an earlier page and see the vast sums voted for buildings in London, for the Science and Art Department, the British Museum, and the Natural History Museum. These, together, formed a counterpart to this proposal for Dublin, because this Science and Art building took in Natural History and many things done by the British Museum; and if they would make the comparison, it would be found that London got 15 or 20 times as much as Dublin. In fact, in proportion to population, London got a very much larger sum than Ireland had been in the habit of receiving. He attached considerable importance to this object—Science and Art—and, in view of the necessity of encouraging Irish manufacture, it was of the utmost importance to develope the means of Art education. On this account he was surprised that the hon. Member for Burnley (Mr. Rylands) should attack this comparatively small sum, after allowing the large English Votes to pass unchallenged. He hoped the opposition to the Vote would not be persisted in. It was a Vote of the greatest consequence to Dublin. The hon. Member for Cavan (Mr. Biggar) was mistaken in his view of the matter. The Science and Art Department would gain by the transfer of the Agricultural Department to the outskirts of the town. Up to this, Irish Members had criticized the Votes in favour of economy, which was an argument in favour of the view that this was a useful expenditure.

MR. MUNDELLA was aware of the circumstances under which this sum of £3,500 was asked for. The first outlay arose under the late Government, in 1876, for the purchase of land for a Science and Art Museum to be erected in Dublin. The whole question was where was the site to be. The Board of Works and others proposed the Kildare Street site, and undertook to get out plans. But this was opposed by various parties who declared in favour of the Leinster Lawn site, and up to January or February it was not certain that the latter site could not be obtained. But this having been ascertained, the Government were obliged to fall back upon the Kildare Street site; but certain Irish Members came to the Government and requested them not to press on the Kildare Street proposal until they had made another attempt in the Easter Recess to obtain the Leinster Lawn site. They reported that they had failed to do this, and the Government immediately sent to the Board of Works to get out plans for the Kildare Street site. It was only within the last few weeks that this site was finally decided upon. It had been arranged to put out the plans for competition, and not a day would be lost in pressing the work forward. As to the sum of £3,500, it was matter of complaint last year that the Government had not shown their intention of prosecuting the work by placing a sum on the Estimates; and, therefore, a sum had been placed on the Votes this year. It would be necessary, by the time the plans were ready, that there should be the means of excavating the foundations and putting them in before the winter came on. That was the whole *raison d'etre* of the £3,500, and before any further demand was made the Government would be able to state to the House what would be the full cost of the whole of the buildings. He thought the Committee would see that the least they could do to redeem the pledge given to Irish Members was to ask for a sum sufficient to begin the foundations.

MR. ARTHUR O'CONNOR did not see why Irish Members should not be in favour of economy simply because the

Vote was one to be expended in Dublin. If an Irish Parliament were sitting in Dublin they would be bound to look over the expenditure of public money, and they must equally do so now; therefore, he did not see much objection to the discussion of this Vote. He would remind hon. Members that the total amount of this Vote was £25,000, or, at any rate, there was a sum of £25,000 which was to be given to enable the Royal Dublin Society to make certain arrangements.

Mr. MUNDELLA said, this was an engagement four years old, and made by the late Government. The greater part of it had been paid. This was no re-Vote at all.

Mr. ARTHUR O'CONNOR understood exactly. This was the third and final instalment of the sum of £25,000. The first instalment was for £10,000; the second, last year, was for another £10,000; and there only remained the £5,000 to be voted this year. But, as the Estimate stood, one would imagine, looking at it cursorily, that in the £10,000 voted last year, and the £10,000 asked for now, there was no alteration in the Vote, whereas, in reality, there was an increase of £5,000. According to the arrangement there should remain but £5,000 of the £25,000 to vote this year, and the amount was £10,000 on this Vote. The contention of the hon. and learned Member for Chatham (Mr. Gorst) was that this £5,000 was a new sum, which even, if necessary, ought not to be insisted upon for new buildings until the Committee had some definite Estimate of what the entire cost would prove. Here they would be launched upon an expense the end of which could not be possibly seen, and the amount which they would be hereafter called upon to vote was a matter of mere speculation. He agreed that this was not the way in which the Estimates ought to be submitted. It was no answer to be told that somebody last year asked for something more definite, to show the sincerity of the Government. This was not definite; for they did not know what it meant. The hon. and learned Member for Chatham had grounds for his objection, though he presumed he did not intend to push it to a division.

Mr. GIBSON said, that the matter came outside his Department in the late Government; but he was present during its discussion. So far as his recollection carried him, the matter was one that was pressed upon the late Government by every section of Irish Members, and the arrangements were arrived at as stated by the noble Lord and the Vice President of the Council. He remembered that for the last three Sessions it was urged against the Government that nothing was done to carry out the pledge to erect a Museum of Science and Art. The late Government were not to blame for the delay which was caused by the long controversy and negotiations with respect to the site. But this item in the Votes could be taken as a guarantee of absolute good faith, to show that the Government were prepared to begin the moment they were able, whatever site might be selected. It was desirable to begin as soon as possible, and for that object the £3,500 was asked. In an ordinary way, perhaps, that would be open to objection; but he sincerely hoped the Committee would see their way to passing this Vote.

Mr. RYLANDS said, he did not dispute the argument that this was for a useful object; the building itself he did not argue against, or doubt the anxiety of the Government to carry it through. The only objection was this—though they had given a pledge to do certain work, they had no right to ask the House to commit an irregularity in Committee of Supply, and take a new Vote in utter ignorance of what the full sum to be demanded would be. Judging by the experience of the past, and the Department over which the right hon. Gentleman (Mr. Mundella) presided, buildings of this kind more than any other had been in excess of the Estimate, and involved a much larger expenditure than was anticipated. The right hon. and learned Gentleman who last spoke as representing the late Government, did not know more than anyone else whether the cost of this new building was to be £100,000 or £150,000. There was no one to say what the expenditure was likely to be under this Vote. Let the Government give full information of the total sum they intended to spend, and the Committee would be prepared to consider it and to grant it if it proved not extravagant. The proper course, it seemed to him, was to withdraw this Vote, and he should say the same thing had it been an English Vote; and within the next few weeks, and possibly before the House rose, a Supplementary Vote could be asked for. If the Government were not prepared to give an account of the expenditure contemplated, he was not prepared to be a party to a breach of what he thought a most valuable Rule of Committee of Supply, and if carried to a division he should support the Amendment.

MR. BRODRICK said, they had reached a critical hour of the evening, and, in the interest of the second Order of the Day, which had been on the Paper 25 times, and which he hoped might be proceeded with, he moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Brodrick.*)

MR. CALLAN said, the subject occupying the attention of the Committee was just as important as the Order that had been down 25 times, and he did not think the discussion should be postponed because an English question happened to crop up. He was surprised to hear the hon. Member for Burnley (Mr. Rylands) professing ignorance of the amount proposed to be expended. He had an impression that the hon. Gentleman had the reputation of being a very glutton at reading Blue Books, and if he would refer to Reports of the last half-dozen years, he would find full statements of what was contemplated. He might promise him that the cost of the building would not exceed the Estimate; but it might do that, and still be one-tenth of the amount that the South Kensington buildings had cost. The Government had shown an earnest of fulfilling their pledge; it was desirable to take the Vote, so that they might be free to proceed in what all parties in Ireland were united upon.

Question put, and *negatived.*

Question again proposed,

"That a sum, not exceeding £6,500, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Expenses preparatory to and of the erection of the Museum of Science and Art in Dublin, and of additions to the School of Art in Dublin."

MAJOR NOLAN said, Ireland had now waited for eight years for this new building, and it was only now determined upon. All that was now asked for was a sum to sweep away the existing buildings and lay the foundations. If within the next 12 months the sum of £3,500 was not expended, then there would be another year's delay, and he thought Ireland had waited long enough, and if this Vote were stopped he should certainly oppose every other Science and Art Vote.

MR. A. J. BALFOUR said, it seemed to him that the hon. and gallant Gentleman (Major Nolan) had mistaken the position of the hon. Member for Burnley (Mr. Rylands). First, it was understood that a site had not been fixed upon; and now the Government said it had been decided upon; and then all that the hon. Member for Burnley desired was that the Vote should be postponed for a year, or until the Government had prepared their plans, and to that he (Mr. Balfour) could see no objection. What difficulty would there be in bringing forward this Vote as a Supplementary Estimate? It would inspire the confidence of the Irish Members equally well, while it would enable the House to see to what it was committing itself, and would not be voting in the dark.

LORD FREDERICK CAVENDISH said, if such a course were adopted—if the Vote were postponed—he could hold out no hope of submitting the Vote in a Supplementary Estimate this Session. And for this reason—the plans of the building were to be competed for in Ireland, and it was idle to suppose that that could be done within the present Session, if that Session lasted only for a reasonable time.

MR. LYULPH STANLEY said, if there was to be unlimited competition amongst Irish architects and builders, the House would be in doubt as to what the cost of the building would be. It was, he thought, clearly the duty of the Government to lay down some line as to the maximum of cost. It was too frequently the case, when ambitious architects were invited to compete, that the man who put forward the most showy designs was most likely to have his plan selected. As they could form no idea of the probable expenditure, he should support the Amendment before the Committee.

MR. ANDERSON, even as an economist, could not support the hon. Member for Burnley (Mr. Rylands). He should consider it a great mistake to do so, because, in his opinion, there ought to be no further delay in the formation of a Science and Art Museum for Ireland. For his own part, in sanctioning this Vote, he did not understand that they were entering upon a large and indefinite expenditure. The amount was only enough to get out the plans and put the ground in order; but it would save a year's delay, and give Ireland the assurance that the work was to be done.

Mr. DILLWYN very much wished to know how his hon. Friend the Member for Glasgow (Mr. Anderson) knew that the Committee was not about to enter upon a large expenditure in connection with this Museum? For his own part, he was inclined to think quite differently. All that he and his hon. Friends desired was that the sound principle should be adopted of not entering upon any expenditure of this kind without knowing where it was to end. It was well known that the country had been landed already in a very heavy expenditure by the Education Department, and the Committee ought to be especially on its guard with respect to any expenditure relating to the Department of the Vice President of the Council. As the matter stood, the Committee had nothing before them which would enable them to form a judgment. He trusted Irish Members would not think he was objecting to the expenditure of the money. The objection was to entering upon a Vote without having the means of forming an opinion as to the extent of the expenditure which would follow.

Mr. MUNDELLA said, the hon. Member for Swansea (Mr. Dillwyn) seemed to think that the Committee by sanctioning this Vote would be launched upon an indefinite expenditure. There was, however, no reason to fear anything of the kind. The architect to the Irish Board of Works had been sent for and had been made acquainted with the ground plan which was to guide him. The Committee might also rely that the work would be carried out by the Board of Works for Ireland, and not by the Department over which he had the honour to preside. He was, above all things, surprised at the opposition to this Vote on the part of Irish Members. He had been so pressed with reference to this matter that he had besought the Treasury to put a Vote upon the Paper in order to show their earnestness, and it seemed to him astonishing that the first complaint on the subject should come from the hon. Member for Queen's County (Mr. Arthur O'Connor). With regard to the observations of the hon. Member for Burnley (Mr. Rylands), he would simply express his wish that all the money expended by Government was as well laid out as that at South Kensington.

Mr. GORST was anxious, if possible, to save the Committee the necessity of dividing. All that was desired was that the Government should name a limit beyond which they would not go. When the right hon. Gentleman rose to address the Committee he understood him to say he was going to fix a definite limit; but, although he had made use of a number of well-rounded phrases, a definite limit had not been named. He therefore concluded that the Government were unable to name a sum which the expense of this new building would not exceed. The right hon. Gentleman had stated that the architect had been called in, and that the building would cover a certain space of ground; and he (Mr. Gorst) now made the suggestion that Progress be reported, in order that, when the Committee resumed at 2 o'clock, the Vice President of the Council, after consultation with the architect, might be able to say in round numbers whether the building would cost £10,000, £20,000, or £50,000. If, however, the Government would not give the Committee this idea, and ridiculed the notion that those who voted for the expenditure of the country ought to know the probable cost of this Museum, he should certainly divide the Committee.

Mr. MAGNIAC hoped the Government would not agree to report Progress. A pledge had been given to the Irish Members that the Irish people should have the same facilities for instruction in Art as the people of England, and therefore he had been astonished at an Irish Member objecting to this Vote. It appeared to him that the explanation of the right hon. Gentleman had been perfectly plain, notwithstanding the opinion of the hon. and learned Member for Chatham (Mr. Gorst) to the contrary, because it was very clear that if there was to be a building at all the foundations and preliminary works must be carried out, whatever the limit of expenditure might be. There was no question upon that point. Whether £100,000 or £200,000 were to be spent—and he believed the Committee would not grudge any necessary expenditure—the expenditure for the foundations might be safely granted without infringing any rule of political economy. He maintained that the question before the Committee was definite and distinct—namely, that, without any delay, instruction in Art should be provided for Ireland. If the Vote were not agreed to, this would be deferred for another year, and therefore he appealed to hon. Members on both sides of the House to support the proposal of Her Majesty's Government. He felt certain that every step taken in this direction would be appreciated in Ireland, and, if not, it would be appreciated on this side of the water. He said that the Motion before the Committee was an Obstructive Motion, and one which, if carried to a division, would be supported by a minority so small as to be absolutely contemptible.

MR. DICK-PEDDIE said, that, as an architect, he could state that the difficulty in preparing an Estimate which had been suggested by the noble Lord was entirely imaginary. One of the first things that must be done before competing plans from architects were asked for was to fix the amount to be expended; and, in order to do that, all that was necessary was to know the area to be covered by the building, and the amount of accommodation to be provided in it. Furnished with these data, a surveyor or architect could in a very short time, certainly within two weeks, furnish an approximate estimate of the cost of the building which might be relied on as being within a very small percentage of the actual expenditure required. He thought, therefore, that the request of the hon. and learned Member for Chatham (Mr. Gorst) was a very reasonable one.

MR. LABOUCHERE said, the hon. Member for Bedford (Mr. Magniac) had argued that the Motion of the hon. and learned Member for Chatham (Mr. Gorst) ought not to be put, because he said it was Obstructive. It was intended to be an Obstructive Motion, and it was a very sound one too, its object being to prevent this expenditure for the time being. He did not see why there should be one rule for Ireland and another for England. If the proposal were made with regard to England, it would be certain to meet with opposition from many Members of the House, and there was not the slightest reason why the Vote should pass because it was intended for Dublin. The City of Dublin had gone on very well until the year 1881 without a Museum of Science and Art, or, at any rate, had contrived to get on, if not very well. He was perfectly horrified at the statement made by the Vice President of the Council that this Institution was to be managed in precisely the same way as the South Kensington Museum. He considered that the South Kensington Museum was very badly managed. The hon. Member for Bedford (Mr. Magniac) said that a promise had been made to establish a Museum of Science and Art in Dublin. As he supposed the House would be in existence in 1882, he proposed that the Vote should be included in the Estimates for that year, and then, when they had learned the amount to be paid for the Museum—if they did not think it too much—they would be most happy to vote the money.

VISCOUNT FOLKESTONE moved to report Progress.

Motion made, and Question proposed, That the Chairman do report Progress, and ask leave to sit again."—(*Viscount Folkestone.*)

LORD FREDERICK CAVENDISH hoped the Committee would come to a decision upon this Vote, which had been fully discussed, and that the noble Lord would not press his Motion.

MR. BIGGAR agreed with the noble Lord the Secretary to the Treasury to the extent that the merits of the case had been well discussed. The case, however, involved a general principle; and he thought that the Government might, with the resources at their disposal and their facilities for communication with architects and other skilled persons, prepare an Estimate by the time the Committee resumed on Friday which would be satisfactory to all parties. Of course, it was perfectly well understood that no one asked that the Museum should not be built in Dublin; but, seeing that the question was to be raised again, he did not think the Motion for reporting Progress was so very unreasonable.

Major NOLAN hoped the Motion to report Progress would not be pressed. He pointed out to the hon. Member for Northampton (Mr. Labouchere) that his argument that Dublin had got on hitherto without a Museum of Science and Art proved too much. That was exactly the objection made to railways and other improvements.

Mr. BIGGAR suggested as a compromise that the Government should pledge themselves not to undertake any expense in connection with the proposed works beyond simply examining the plans and selecting a design until they obtained a further Vote. It would, he thought, be quite sufficient for the present to pay for the preliminary plans of the works, which would allow an Estimate to be made of the total cost of the building. This could then be submitted to the House, either before the adjournment or early next Session. The Vice President of the Council had spoken of digging the foundations of the building; but that need not be considered, because he had good reason to believe that the ground would require to be piled for a large building of this kind. No time would, therefore, be lost by consenting to the suggestion he had made.

Question put, and *negatived.*

Question put,

"That a sum, not exceeding £6,500, be granted to Her Majesty, to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Expenses preparatory to and of the erection of the Museum of Science and Art in Dublin, and of additions to the School of Art in Dublin."

The Committee *divided:*—Ayes 30; Noes 97: Majority 67. — (Div. List, No. 234.)

Mr. ARTHUR O'CONNOR said, he understood that in his absence the right hon. Gentleman the Vice President of the Council (Mr. Mundella) had represented that he opposed this Motion. He did nothing of the kind; he merely objected to the way in which the Government proposed the Vote to the Committee, and upon that he thought the Committee had a perfect right to express an opinion.

Original Question put, and *agreed to.*

Mr. Biggar

(17.) Motion made, and Question proposed,

"That a sum, not exceeding £16,700, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for Works to regulate the Flood Waters of the River Shannon."

Viscount FOLKESTONE moved to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Viscount Folkestone.*)

Lord FREDERICK CAVENDISH hoped the Committee would proceed.

Major NOLAN thought the Committee might well go on with the Votes.

Mr. ARTHUR O'CONNOR thought the appeal of the noble Lord a reasonable one, as it would not take long to get through the Vote.

Question put.

The Committee *divided:*—Ayes 8; Noes 105: Majority 97.—(Div. List, No. 235.)

Original Question again proposed.

Mr. ARTHUR O'CONNOR said, this was a matter upon which Irish Members had year after year made representations to the Government as to the rate at which the works had progressed; and year after year they had had assurances from the Government that they were exceedingly anxious that the works should be proceeded with with all possible expedition. He wished to know what was now the state of the works? and mentioned that the House of Commons had frequently voted considerable sums for these works; but either the Board of Works or some other authority had failed to carry them out. He hoped the noble Lord would give some assurance that there was some prospect of the money voted being actually expended.

Lord FREDERICK CAVENDISH explained, in reference to the hon. Member's statement that repeated representations had been made to the Government, that the first Vote for this work was a Supplementary Vote for 1880, so that the time during which these works had been in progress was not very great. There had been considerable difficulties in connection with the work, but they had been pushed on as much as possible, partly by contract and partly by the Board of Works. The work was greater than it had been expected to be by the late Government; but he had every reason to expect that it would be completed by next November.

Mr. TOTTENHAM wished to know in what state the works now was; and whether work had been commenced on the upper weirs of the river?

Lord FREDERICK CAVENDISH could not at the moment inform the hon. Member what weirs were in hand.

Mr. ARTHUR O'CONNOR asked whether it was the fact that of the sum of £5,000 voted in 1880, £800 were returned to the Treasury?

Lord FREDERICK CAVENDISH thought it exceedingly probable that that was the fact. Difficulties had arisen of every sort, and had caused delay, but the Board of Works were very anxious to proceed as fast as possible.

Original Question put, and *agreed to.*

(18.) £7,650, to complete the sum for Lighthouses Abroad.

Mr. ARTHUR O'CONNOR called attention to an instance, at the bottom of page 61, of carelessness in setting out the items, £1,700 being put down instead of £1,800. He wished to ask the noble Lord a question with regard to oil. That was, whether there were any repayments for oil issued to Colonial Lighthouses; if so, what was done with the money?

Lord FREDERICK CAVENDISH replied, that, if any repayments were made, the natural course would be to return the amount to the Exchequer.

Vote *agreed to.*

(19.) £15,484, to complete the sum for Diplomatic and Consular Buildings.

Mr. LABOUCHERE said, there was a time when Ministers were given certain allowances for hiring houses. But then it was thought economical to purchase houses, and £20,000, £30,000, and even £40,000 were given for houses. The consequence had been that the maintenance and repair of those houses had cost as much as the whole allowances for rent used to be. He hoped the First Commissioner of Works would look into the matter. The Embassy and Consular Buildings at Constantinople were set down this year for £3,025, as against £2,267 last year; and of that, £888 were for maintenance and repairs of the Embassy House at Therapia. There were formerly two very good houses, one for the Ambassador and one for the Attachés; but the Ambassador thought he would like to have a new house, and £30,000 were spent in purchasing one. But now £888 were required in one year for repairs and maintenance. That was one instance of the waste that went on. He would like to know from the right hon. Gentleman where he got his Estimate for this work from? Was it from the Minister himself (Sir Henry Layard), or was it from the right hon. Gentleman the Member for Ripon (Mr. Goschen)? As far as he knew there was no official who could state whether the work was necessary or not. Then, for the Embassy House at Berlin £3,000 were put down, which was a great deal too much to pay for rent. If houses were as dear in Berlin as they were in London—which they were not—£3,000 was an excessive sum to pay per annum. In Rome, £1,150 had been spent in the year. They had built a house at Rome; but they saw a few days ago a letter in *The Standard,* from Mr. Alfred Austen, suggesting that they should spend £20,000 in doubling the size of the garden. That led him to suppose that the garden was worth £20,000; and, if that was the case, he would suggest that when next the Minister asked for a Vote for repairs he should be told to sell a section of his garden, and take it out of that; £850 were put down for a renewal of the old portion of the building, and £100 for window frames and shutters in the old portion of the building; and those he thought were pretty fair instances of what took place. He did not wish to propose a reduction of the Estimate; but he wanted some sort of pledge from the right hon. Gentleman and from the Financial Secretary to the Treasury, that an attempt would be made to reduce the amount spent on these buildings.

Mr. SHAW LEFEVRE said, he agreed very much in principle with the hon. Member; but the thing had been done. With regard to Constantinople he did not get his information from the Minister, but from a special Surveyor, whose duty it was to look after the Embassy at Constantinople and all the Consular Houses in the Levant. Therefore, the Government had accurate information on the subject. The house at Therapia was a wooden house, built some few years ago, and the maintenance and repair were, no doubt, expensive. The expense in the third year was £800. With regard to the Embassy at Berlin, rents were at the present time very high in that city. The house was hired on a 10 years' lease in 1876, and it would be impossible to make a change in that respect at present. As to Rome, the greater part of the Minister's house was rebuilt, or, rather, an addition was made to it three or four years ago at considerable expense, and the older part required this year £888. With regard to the suggestion that £20,000 should be spent in adding to the garden, there was no intention of doing anything of the sort; but he did not think it well to sell the existing garden.

Mr. RYLANDS was glad this subject had been mentioned; but he was not quite satisfied with the explanation of the right hon. Gentleman. No practical means seemed to be used by the Office of Works to prevent this extraordinary expenditure on the Embassies. He could not understand why, because a large house was occupied by an Ambassador, it should get out at elbows at such a rapid rate. His hon. Friend had not alluded to Paris; but Paris and Constantinople invariably stood at the highest point of expense. Although they had a large Palace in Paris for the Ambassador, last year it was proposed to vote £500 for casual and ordinary repairs, £200 for furniture and repairs, and £450 for painting, decorating, and gilding the staircase. He did not think there was sufficient control exercised over the gentlemen who represented to the Government the necessity of these expenses, and he hoped the Office of Works would check expenditure of this character. It seemed to him that the large increase this year was scarcely justifiable, and he was not sure it would not be right to move to reduce the Vote. He would, however, only call attention to the question, so that the First Commissioner of Works might consider it, and prevent such substantial increases.

Mr. ASHMEAD-BARTLETT remarked, that the Embassy at Constantinople, while costly, had not been of much value, and had nearly been the cause of embroiling two friendly nations in a war. He noticed in the Vote an item of £5 for the cemetery at Tunis. Would it not be well, now that the French Government had assumed authority at Tunis, that they should take upon themselves this cost?

Vote *agreed to.*

Resolution to be reported *To-morrow,* at Two of the clock;

Committee to sit again *To-morrow,* at Two of the clock.

RIVERS CONSERVANCY AND FLOODS PREVENTION BILL.—[*Lords*]—[Bill 120.]

(*Mr. Dodson.*)

NOMINATION OF SELECT COMMITTEE.

Order read, for resuming Adjourned Debate on Nomination of Select Committee [4th May].

Motion made, and Question proposed, "That the Debate be further adjourned until To-morrow."

Mr. BRODRICK called attention to the course the Government were pursuing with regard to this Bill. The Bill which the Government now proposed to postpone had been on the Paper 25 times—ever since the 4th of May—and on each occasion the 10 different Members who had Motions on the subject were brought down; but there seemed no intention on the part of the right hon. Gentleman the President of the Local Government Board to proceed with the measure. Considering the importance of the Bill, and of matters connected with it, he expressed his surprise that the right hon. Gentleman, or some other Member of the Government, did not state what the intentions of the Government were with regard to this Committee. He thought the least they could do was to give the House the earliest opportunity of considering a question which they had had on the Paper ever since the Easter Recess. He had ventured to refer to this a little earlier in the evening, when the House was in Committee of Supply, with a suggestion that this Bill should be proceeded with; but the Government showed no disposition to accede to that suggestion, and the time for doing so passed away. The Bill was being put aside in favour of things of less importance. It had been said earlier that the Government had put a Vote down to show they were in earnest; but this Motion seemed to be put on the Paper to show the Government had no intention of seriously taking it up. The time had come when the Government might be fairly asked to state on what day they proposed to take the measure, and not to put it down continually on days when they knew there would be no chance of proceeding with it. Meanwhile, people having important interests concerned were left in a state of uncertainty, and meetings on the subject were being held all over the country. He did not wish to say more in the absence of the right hon. Gentleman the President of the Local Government Board; but he must say that the Government had neglected the opportunity they had of bringing on the debate this evening, when so many Members were present and prepared to take part in it. He begged to move formally that the debate be adjourned to this day fortnight.

Amendment proposed, to leave out the word "To-morrow," and insert the words "Thursday 23rd June."—(*Mr. Brodrick.*)

Question proposed, "That the word 'To-morrow' stand part of the Question."

SIR WILLIAM HARCOURT said, if the hon. Member was really anxious to expedite the discussion of this Bill, he showed a curious method of accomplishing his wish by proposing to postpone it for a fortnight. The hon. Member complained that the Bill did not come on; but he was one of the 10 Members who had put down Notices against the Bill being committed. He was one of those who had taken the most effectual means of preventing that which he declared he most desired. He (Sir William Harcourt) could testify, from communication with his right hon. Friend, that he was very anxious to bring the Bill on, and had great hope that that opportunity would have offered itself to-night before half-past 12; and, certainly, had it not been for Motions the Government had very little right to expect—Motions from hon. Members who divided in a minority of 8 against the progress of Business—Committee of Supply might have been got through in time to bring on this Bill before half-past 12.

VISCOUNT FOLKESTONE said, it was at that time 1 o'clock.

SIR WILLIAM HARCOURT, resuming, said, then in that case he was incorrect. They had, however, a right to expect that progress in Supply would have been more rapid, and the President of the Local Government Board was prepared to go on with the Bill. At this time of the Session everything, in a certain degree, must yield to Supply, and for no other reason would the Land Law (Ireland) Bill have been suspended for these two days. The urgency of Supply was paramount. It was hoped, however, that Supply would have been disposed of earlier that it was; but the hon. Member, with others, having blocked the Bill by their Notices, it could not be brought on after half-past 12. Under the circumstances, he thought the Government could not in fairness be charged with not having done their best to bring forward the debate. As to the present Motion, substantially it would tend to defeat the measure altogether, as it would not allow the opportunities that might accidentally offer of bringing it forward.

SIR R. ASSHETON CROSS said, it was a mistake to say that his hon. Friend had blocked the Order. His Motion was for after the Committee had been nominated, and the Motion made was for the nomination of the Committee, so that the Notice of his hon. Friend in no way brought the Order within the half-past 12 Rule.

SIR WILLIAM HARCOURT said, he might be wrong; but he was informed it was not so.

SIR R. ASSHETON CROSS said, that it was a mistake the Notice Paper would show. Now, as to putting off the Bill for a fortnight, he agreed that would be a mistake; but he hoped that at the next Sitting the Government would endeavour to bring on the Bill if it could possibly be done. It was really a very pressing matter, and the Government could not know how strongly people felt about it.

MR. HIBBERT said, the President of the Local Government Board was as anxious as anyone in the House that the Bill should be brought on. It had been arranged to report Progress in Supply at 12 or soon after. When the Motion to report Progress was made at a quarter to 12, it was rather too early, and, unfortunately, the Vote upon which the Committee were engaged occupied more than three-quarters of an hour, and prevented his right hon. Friend carrying out his intention. He trusted that the Bill would be proceeded with either at the Morning or Evening Sitting following.

Mr. A. J. BALFOUR said, the Home Secretary had been unfortunate in his two statements, in saying that his hon. Friend who opened the discussion had blocked the Bill, which he had not done, and that he (Mr. Balfour) had made a Motion in Committee causing delay and preventing this Bill from coming on. Now, he made no Motion, and he seconded none, and, as a matter of fact, the Motion to report Progress was made a few minutes after 1 o'clock. But, apart from that, the right hon. Gentleman entirely misapprehended the object of his hon. Friend in calling the attention of the House to this subject. He was not complaining of the Bill not being brought on, but of its being down night after night under the pretext of being brought on, which it never was. He desired that the Government should finally say what night this Motion should be taken, and then that the Government should take the steps they had it in their power to take to ensure its being considered on that night.

Viscount FOLKESTONE said, as he had made the Motion for reporting Progress which had been referred to, he might be permitted to say that he did it with no obstructive purpose, but simply because it was a late hour—past 1 o'clock —when he thought it was high time to report Progress, and not to continue voting the money of the country at that hour. He hoped now that his hon. Friend would withdraw the Motion he had made, for if the Government really intended to go on with the Bill to-morrow—a Bill which was of great importance to agricultural constituencies—then, perhaps, they might arrive at a satisfactory conclusion regarding a Bill which, as it stood, he could not help thinking was a very bad one.

Mr. HENEAGE said, the right hon. Gentleman the Home-Secretary was misinformed as to his facts. The hon. Member opposite tried to report Progress in order to expedite this Bill. And when he spoke of the blocking Motions on the Paper, he seemed to be in entire ignorance of the fact that the President of the Local Government Board had come to an arrangement with all those who had Notices on the Paper. The noble Lord the Secretary to the Treasury, however, insisted upon going on with Supply after a time when there was a distinct understanding that the second Order should be brought on, and after hon. Members had been brought down to the House at the express wish of the President of the Local Government Board. He (Mr. Heneage) had a Motion to add to the Members of the Committee, which had been accepted by his right hon. Friend the President of the Local Government Board, and he was told to be present at half-past 11, because Progress was to be reported in order that there might be no mistake in bringing on the Bill. He considered the Bill essentially bad, and did not care whether it came on or not; but he had entered into an engagement to expedite the discussion, as the Government had fairly met those who had objections, and he was quite prepared to go on. But they should not be asked to come down for the purpose night after night. He would like to ask, if there was anyone in authority on the Treasury Bench, at what hour, or after what hour, would or would not the Motion be brought on at the next Sitting, or whether a subordinate occupant of the Treasury Bench would be allowed to go on with Supply to within 10 or 15 minutes of the limit of time when any Member could continue to talk and prevent the Bill coming on?

Mr. MUNDELLA thought the hon. Gentleman could hardly be aware of what took place at a quarter to 12. The President of the Local Government Board sat by his side, and he was anxious that Progress should be reported when the hon. Member moved it shortly afterwards. But the Motion was objected to by Irish Members, and the discussion was continued beyond the half-hour, when the moment was lost for bringing on the Rivers Conservancy Bill. But there was a most anxious desire on the part of both the noble Lord (Lord Frederick Cavendish) and the President of the Local Government Board that the Bill should come on.

Mr. R. N. FOWLER observed, that the Government could hardly expect to bring on the Bill at the next Evening Sitting, because there was a very important Motion down that would be likely to occupy the whole time from 9 o'clock. Therefore, if taken to-morrow at all, the Bill must be taken at the Morning Sitting.

MR. BRODRICK did not wish to persevere; but he explained that he moved to report Progress at 22 minutes past 12, and Irish Members spoke for but a few minutes, and the Government unanimously said "No" to reporting Progress. Under the circumstances, he must say he could not compliment the right hon. Gentleman and his Colleagues or their accuracy. He begged to withdraw his Amendment.

Amendment and Motion, by leave, *withdrawn.*

Debate *further adjourned* till *To-morrow,* at Two of the clock.

REFORMATORY INSTITUTIONS (IRELAND) BILL.—[BILL 18.]

(*Mr. O'Shaughnessy, Mr. Gabbett, Mr. Gray.*)

SECOND READING.

Order for Second Reading read.

MR. O'SHAUGHNESSY, in moving that the Bill be now read a second time, said, briefly, its object was to assimilate the law on the subject in Ireland to that in England. It would give power to the authorities to raise money for improving the buildings and, on security, to receive loans from the Treasury. The Bill had been considered by the Treasury, and had, so far, been approved of.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. O'Shaughnessy.*)

Motion *agreed to.*

Bill read a second time, and *committed* for *Thursday* next.

SUMMARY JURISDICTION (PROCESS) BILL.—[BILL 179.]

(*Mr. Marjoribanks, Colonel Home, Sir Matthew Ridley, Mr. Arthur Elliot.*)

SECOND READING.

Order for Second Reading read.

MR. MARJORIBANKS hoped the House would consent to the second reading of this Bill, which was not of a Party character, and would only affect the border counties of England and Scotland. It would remove inconveniences much felt, and would enable processes issued by an English Court of Summary Jurisdiction to be served in Scotland and *vice versâ.*

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Marjoribanks.*)

Motion *agreed to.*

Bill read a second time, and *committed* for *Thursday* next.

WAYS AND MEANS.

CONSOLIDATED FUND (NO. 3) BILL.

Resolution [June 2] *reported,* and *agreed to:*—Bill *ordered* to be brought in by Mr. PLAYFAIR, Mr. CHANCELLOR of the EXCHEQUER, and Lord FREDERICK CAVENDISH.

MOTIONS.

CUSTOMS (OUTDOOR OFFICERS AT THE OUTPORTS).

NOMINATION OF SELECT COMMITTEE.

COLONEL ALEXANDER rose to call attention to the curious manner in which the Committee was nominated. Its object was to inquire into the grievances of Out-door Officers at Customs Outports, and, naturally, it would be supposed that the Members nominated would represent seaports, or boroughs, or counties touching the sea. But he found that out of the 14 names not more than three or four were those of Members representing counties or boroughs bordering on the sea. All the rest were inland Representatives. It might be supposed that those who made the selection were utterly ignorant of geography, and, perhaps, had the impression that such a place as Horsham bordered on the sea. He was always of the opinion that a Committee should be largely composed of Members interested in the subject of inquiry; but what interest could Horsham have in Outdoor Customs Officers? Then, again, he noticed that out of the 14 there was only one Scotch Representative. He had no objection to any particular names; but he should oppose the nomination of the hon. Member for Wolverhampton (Mr. H. H. Fowler), and move, instead, the name of the hon. Member for Greenock (Mr. Stewart).

MR. SPEAKER: The hon. and gallant Member is at liberty to oppose any name; but if he wishes to add another name, he cannot do so without Notice.

LORD FREDERICK CAVENDISH said, it could not be admitted that only those should be represented who had the more direct interest. The interest of the officers was, of course, to have their salaries raised; but if the Committee were to consist of Representatives of this class, the interest of the taxpayer would be in danger of being overlooked.

Colonel ALEXANDER remarked, that there were only three names of Representatives of seaport towns.

Mr. NORWOOD moved that the following be nominated Members of the Committee:—Mr. Bellingham, Mr. Wilbraham Egerton, and Sir Henry Fletcher.

Motion *agreed to.*

Motion made, and Question put, "That Mr. Henry H. Fowler be one other Member of the said Committee."

The House *divided*:—Ayes 38; Noes 6: Majority 32.—(Div. List, No. 236.)

Motion made, and Question proposed, "That the following be Members of the Committee:—Mr. Leveson Gower, Mr. Heneage, Mr. John Holms, Colonel Makins, Mr. Slagg, Mr. Storer, Mr. Watney, and Mr. Norwood."

Motion *agreed to.*

Mr. WARTON reminded the Speaker that he had not called over the name of the right hon. Member for Montrose (Mr. Baxter).

Mr. SPEAKER: The name was not moved by the hon. Member for Hull.

Ordered, That Five be the quorum.

ARTIZANS' AND LABOURERS' DWELLINGS.

Ordered, That the Select Committee on Artizans' and Labourers' Dwellings do consist of Nineteen Members: — Mr. Courtney, Sir Sydney Waterlow, Sir Matthew Ridley, Mr. William Holms, Mr. Brodrick, Mr. Torrens, Sir Henry Holland, Mr. Bryce, Sir James M'Garel Hogg, Mr. Cropper, Viscount Emlyn, Mr. Francis Buxton, Mr. Arthur Balfour, Mr. Hastings, Mr. Rankin, Mr. Brand, Mr. Leamy, The O'Donoghue, and Sir Richard Cross:—Power to send for persons, papers, and records; Five to be the quorum.—(*Sir Richard Cross.*)

BURIAL GROUNDS (SCOTLAND) ACT (1855) AMENDMENT BILL.

On Motion of Mr. Henderson, Bill to amend "The Burial Grounds (Scotland) Act, 1855," *ordered* to be brought in by Mr. Henderson, Dr. Cameron, Mr. Andrew Grant, Mr. Baxter, Mr. Donald Cameron, Dr. Webster, and Mr. Cochrane-Patrick.

Bill *presented*, and read the first time. [Bill 184.]

House adjourned at Two o'clock.

Lord Frederick Cavendish

HOUSE OF COMMONS,

Friday, 10*th June*, 1881.

— —

The House met at Two of the clock.

MINUTES.]—Supply—*considered in Committee* — Civil Service Estimates — Class II.— Salaries and Expenses of Civil Departments.

Resolutions [June 9] *reported.*

Private Bill (*by Order*)—*Considered as amended* London and South Western Railway.

Public Bills — *First Reading* — Consolidated Fund (No. 3) *.

Select Committee — Rivers Conservancy and Floods Prevention [120], *nominated.*

Report—Local Government Provisional Orders (Horfield, &c.) * [166].

Considered as amended — Newspapers (Law of Libel) [5], *Further Proceeding adjourned.*

Third Reading — Land Tax Commissioners' Names * [126], and *passed.*

Withdrawn—Irish Railways Purchase * [28].

PRIVATE BUSINESS.

LONDON AND SOUTH WESTERN RAILWAY BILL (*by Order*).

CONSIDERATION.

Order for Consideration read.

Bill, as amended, *considered.*

Mr. CHEETHAM said, that in rising to move the omission of Sub-section D of Clause 4 of the Bill which sanctioned the construction of a branch of this Railway, he could only express his regret that the hon. Member for the Tower Hamlets (Mr. Bryce), who had also given Notice of his intention to move the omission of the sub-section, was not in his place. It was thought that the Bill would be amended in certain particulars, and a prospect was held out that modifications would be made to meet some of the objections which had been urged. He ventured to think that a simple statement of the facts of the case would show at once how reasonable the opposition was that was now entertained to this part of the Bill. Great and Little Bookham Commons formed one continuous open space of about 400 acres, and were of great beauty, being well wooded, and containing several sheets of water. The proposed railway passed through the centre of the commons for a distance of nearly a mile, and the injury to these commons might be imagined from the results of similar encroachments on the commons of Wandsworth, Barnes, and Mitcham. It was needless, in these days, to speak of the value and importance of protecting and preserving open spaces of this kind for recreation grounds. On that point there could be no higher authority than the right hon. Gentleman the late Home Secretary (Sir R. Assheton Cross). In his speech in introducing the Commons Act of 1876, the right hon. Gentleman dwelt upon the sanctity of the commons. He observed—

> "That there were a great number, such as the commons of Surrey, which no one would think of inclosing."—[3 *Hansard*, ccxxvii. 192.]

And again, on the second reading of the Bill, he spoke as follows:—

> "The other object of the Bill was to prevent, as far as possible, the inclosure of commons, and to give facilities for keeping them open for the benefit of the people; so that not only those having rights in those commons should enjoy them, but that the people enjoying the use they had hitherto had of these commons might have them improved, drained, and levelled for their enjoyment. The House would remember the old rhyme—
>
> 'The law condemns the man and woman,
> Who steal the goose from off the common;
> But does not punish what's far worse,
> To steal the common from the goose.'
>
> He had no intention of stealing a common from any goose, but to give every facility for the continued user by the poor labourer, the artizan, and the dweller in large towns of that beautiful scenery which they had hitherto enjoyed, but in an improved state."—[*Ibid.*, 543.]

Again, in answer to a deputation of agricultural labourers on the subject of the Bill, the right hon. Gentleman was reported to have said—

> "That he believed the practical effect of the Bill would be to put a stop to the inclosures; in fact, it was drawn with that object."

The encroachments of the Railway Companies had done much to injure the commons of the country, and it was to be regretted that of all the interests that were represented before the Committee which sat upon this Bill that of the hundreds of thousands of artizans of the Metropolis whom it so nearly concerned should alone have been left without direct or adequate representation. He certainly thought, after the words uttered by the right hon. Gentleman the late Home Secretary, that he might venture to expect the support of hon. Members who sat on the opposite side of the House. He would venture also to hope that those who succeeded the late Government as the guardians of the popular rights—the right hon. and hon. Gentlemen who now occupied the Treasury Bench—would display a like regard for the maintenance of those rights. It was not necessary that he should apologize for the course he had taken in bringing the matter under the notice of the House. He did so mainly because the rights of the public had found no voice before the Select Committee upstairs, and because he felt that the House was under an obligation to exercise a full supervision over every measure of this kind that was brought down from a Committee. Even from the standpoint of the promoters of the Bill themselves it could not be urged that any great injury would be done to the Railway Company by asking for the abandonment of this part of the scheme. It simply authorized the construction of a branch line, which might very easily, without detriment to the interests of the Railway Company, be allowed to stand over. There could be no doubt that a little more consideration would enable the promoters so to plan their line as to prevent this spoliation of one of the most lovely of the suburban commons; and he begged, therefore, to move the omission of sub-section D of Clause 4.

Amendment proposed, in page 9, line 14, to leave out "sub-section D of Clause 4."—(*Mr. Cheetham.*)

Question proposed, "That sub-section D of Clause 4 stand part of the Bill."

Mr. TILLETT was very sorry that the hon. Member who presided over the Committee was not in his place. The Committee sat for a long time, and gave the fullest consideration to all the evidence that was brought before them. The Chairman was himself very much interested in the question of the preservation of commons, and was exceedingly anxious for their protection, and jealous of any step that might interfere with their enjoyment by the public. He was also at great pains in visiting and going over every part of the country likely to be affected by the proposed line; so that the Committee had the advantage of consulting with his hon. Friend, and hearing the evidence that was brought forward. In regard to the commons now in question, it must be understood that the proposed railway did not affect any very beautiful or attractive portion of the land. One part of the common was very beautiful; another part was extremely useful; but in the middle there was a swamp, the land lying low and being very wet, unprofitable, and, at times, impassable. It was through that particular part that it was proposed to construct this line of railway, and a clause was placed before the Committee by the promoters of the Bill, which placed the construction of the railway, and all proceedings in reference to it, so far as regarded this common, under the complete direction of the Secretary of State for the Home Department. That clause was carefully considered before it was adopted, and he believed it was as strong a clause as could possibly be worded. Although only a small piece of line, the proposed branch formed the connecting link between the new South Western line and Leatherhead and Epsom, and, indeed, formed a most important part of the scheme. The Committee had also before them the question of Wimbledon Common; and more than half the labours of the Committee were devoted to the consideration of the protection of these common lands. They were as anxious as any Members of that House could be that the commons should be protected in every possible way. In regard to Wimbledon Common, the hon. Member for Mid Surrey (Sir Henry Peek) attended the Committee, and told them he was perfectly satisfied with the arrangements which had been made for the protection of that common, and for those who might go upon it. The objection of the hon. Member for North Derbyshire (Mr. Cheetham) had reference to the commons of Great and Little Bookham. In regard to those commons, the Committee had before them all who were interested in their preservation; and it was represented that all, or nearly all, were in favour of the proposed line, and had made representations to that effect to the Home Secretary. Further, he might inform the House that the Inclosure Commissioners, in their Report, did not condemn the line. They suggested that there might possibly be an improvement in regard to it; but it was pointed out, in confirmation of what he had said, that the line passed through an unserviceable part of the common, and that it did so in the way most conducive to the public interests. He would remind the House that before the Bill was read a second time there was a discussion upon this part of the scheme; and now that the Bill had come down from the Committee, if they were to enter upon a discussion of every sub-section or part of a clause contained in it, he confessed that he could not see an end to the questions that might arise upon every Bill that might be sent up to a Select Committee. The Business of the House was sufficiently overcharged already—indeed, alarmingly overcharged with pressure upon Imperial questions; and if Select Committees, sitting under a most experienced Chairman, and one who had always taken the deepest interest in the preservation of commons—such as the hon. Member for South Derbyshire (Mr. Evans)—if, after sitting for nearly three weeks, patiently hearing all the evidence tendered to them, they were then to have their decision overruled by hon. Members who had had no opportunity of hearing the evidence or the arguments, or of having the able assistance and advice of the Committee—then, he said, a blow would be struck at the proceedings of Committees which would seriously impair their efficiency and responsibility in future.

Sir WILLIAM HARCOURT said, he rose, as he did the other day on a somewhat similar question affecting a Private Bill, to appeal to the House not to continue the present discussion. The Government had fixed a Morning Sitting, in all good faith that an opportunity would be afforded for making progress with the Public Business of the country; but if they were to get into the habit of re-discussing Private Bills in the House after they had been settled and determined by a very competent Committee upstairs—and nobody would say that this was not a very competent Committee—it was impossible to say what injury and delay would be occasioned to matters of Imperial importance. This was the second discussion they had had upon this Bill; and, without sinning against the Rule he asked the House to adopt, he called upon the House to set its face against the re-discussion of Private Bills of this kind, and to support the Committee in the decision which, after three weeks' patient investigation, they had arrived at.

An hon. Member said, that, as a Member of the Committee, he wished to corroborate the statement of the hon. Member for Norwich opposite (Mr. Tillett) that the Committee were unanimous in deciding that the construction of the proposed line would be of great public advantage. He regretted the absence of the Chairman of the Committee, and hoped the House would support the decision at which the Committee had arrived.

LORD EDMOND FITZMAURICE had no wish to prolong the discussion; but it would be unfair if the impression went abroad that his hon. Friend (Mr. Cheetham) who had raised this discussion was not fully justified in raising it, even if he abstained now from going to a division. He would certainly not press his hon. Friend to go to a division unless he was anxious to do so; but, unless they were to abandon the discussion of Private Bills altogether, he could not accept the dictum of his right hon. Friend the Home Secretary. He fully admitted that the pressure upon Imperial Business was very great, even exceptionally great, and that no hon. Member ought to take upon himself, if he could possibly avoid it, the raising of a discussion upon a Private Bill. He would even go further, and say that it was unadvisable even to raise a discussion upon a public matter unless it was absolutely necessary. But the inclosure of common land in this particular case was proposed to be carried out in a manner so detrimental to the interests of the public that he thought his hon. Friend was fully justified in entering a protest against the Bill. Considering what the nature of the last Report of the Committee of that House was in regard to the inclosure of commons, no blame could attach to his hon. Friend for calling the attention of the House to the question. But after what had fallen from the Home Secretary, he would appeal to his hon. Friend not to divide the House; and he made the appeal chiefly from this reason—that the time could not be far distant when the Report of the Inclosure Commissioners would come up for consideration, and then the whole question might be gone into. Not only were the Railway Companies becoming more encroaching and oppressive in this respect every day, but the ordinary law with regard to the inclosure of commons in the country was being carried out in a manner most injurious to the interests of the populations of our large towns. He thought it would be desirable to consider at some early day whether the Standing Orders of the House might not be amended, so as to give the public a *locus standi* when the rights of common lands were affected. At the same time, in regard to the present Bill, he would advise his hon. Friend not to divide the House.

MR. CHEETHAM begged to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Amendments made.

Bill to be read the third time.

QUESTIONS.

NAVY—FRESH MEAT RATIONS.

SIR H. DRUMMOND WOLFF asked the Secretary to the Admiralty, Whether he can now state at what decision the Board of Admiralty have arrived respecting the landing of fresh meat rations from Her Majesty's ships?

MR. TREVELYAN: Sir, the Admiralty have decided upon allowing such married men and others as the captains in Her Majesty's ships in the home ports may deem deserving of the indulgence to take on shore a portion of their rations, fresh meat included, for consumption in their own homes; but no article liable to duty is to be landed. The regulations by which the concession will be governed will be issued without delay?

CENTRAL ASIA—RUSSIAN ADVANCES—THE TRANS-CASPIAN TERRITORY.

MR. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, Whether the Czar has by Imperial Ukase incorporated in the Russian Empire the whole Country of the Tekke Turcomans, including Askabad, the furthest part of General Skobeleff's advance, notwithstanding the assurances of his Government that Russia did not intend to annex but merely to punish the Turcomans; that this country is being colonised by Cossack and Russian immigrants, and that the railway from the Caspian towards Herat is being rapidly advanced; that a deputation of Turcoman leaders is at present at St. Petersburg, and has promised fidelity and military service to the Czar, thus securing for Russia the aid of some 60,000 of the finest cavalry in the world; and, that negotiations are in progress to secure the submission of the Turcomans of Merv also?

SIR CHARLES W. DILKE: Sir, an Imperial Ukase has been issued announcing the annexation to the Russian Empire of the territory of the Tekke Turcomans, occupied by the Russian troops, under the name of "Trans-Caspian territory." Her Majesty's Chargé d'Affaires at St. Petersburg has been informed that the territory thus described is the "Teke Oasis;" but we have no precise information as to its limits, or as to its being colonized. The last information we have received as to the progress of the Trans-Caspian railway was taken from a telegram from Krasnovodsk, published in *The Golos*, and dated April 19. It stated that the railway had been completed for a distance of 108 versts, and would reach Kagandchik by the middle of May. It appears that a deputation of Tekke Turcomans arrived at St. Petersburg on the 27th of May. They were accompanied by a Turcoman of Merv, who is stated to have come only with the object of seeing the capital of Russia, and reporting what he saw to his countrymen. We have no information as to negotiations being in progress to secure the submission of the Merv Turcomans.

MR. ASHMEAD-BARTLETT asked whether the whole of the Tekke Turcoman territory was included in the annexation?

MR. E. STANHOPE asked whether it would be possible to have a map placed in the Library showing the territory annexed?

SIR CHARLES W. DILKE said, that at present the Government did not know what the exact limits of the district were. When they did, no doubt a map could, with the assistance of the Intelligence Department of the War Office, be prepared.

SOUTH AFRICA—CONVICTION OF A ZULU FOR HIGH TREASON.

MR. R. N. FOWLER asked the Under Secretary of State for the Colonies, Whether he is aware that Solinye, one of the Zulu prisoners convicted of high treason at Pietermaritzburg, was a subject of the Zulu King; whether his attention has been called to the fact that on the trial the judge expressed grave doubts as to whether Solinye was amenable to British Law; and, whether he will ask the opinion of the Law Officers of the Crown on the subject?

MR. GRANT DUFF: I am aware, Sir, that Solinye was once a subject of the Zulu King; but evidence was given at the trial that he had resided for three years in the Colony, and had become amenable to British law. I know that the Judge expressed some doubts as to the point of allegiance. In answer to my hon. Friend's third Question, I have to say that the Law Officers may have to be consulted; but we should require more evidence than we have as to the state of facts before we had materials enough to submit to them. I told my hon. Friend, however, long ago, that we were only waiting for rather calmer times in South Africa to take final action as to the cases of all these raiders.

NAVY—THE TROOPSHIP "NEMESIS."

VISCOUNT NEWPORT asked the Secretary to the Admiralty, Whether it has come to the knowledge of the Admiralty that the troop ship "Nemesis" broke down between this Country and the Cape upon several occasions, one of which was when crossing "the line," that her boilers were in an unsafe condition, that her fittings were rotten, that she ran short of provisions and water, and that, so great were the inconveniences and privations on board, that the troops eventually had to be transferred to the "Calabria" to finish the voyage?

MR. TREVELYAN: Sir, no Report has been received from the Consul at St. Vincent. There is no doubt, as I stated a month ago, that the *Nemesis* made an unsuccessful voyage. As far as the ship herself is concerned, there is no stronger merchant ship afloat; but the repairs done to her boilers by the owners were apparently defective, and the boilers leaked when the voyage was about half through. The fittings were new, and precisely the same as were supplied by the Transport Department to all the other transports. She was victualled for 50 days, in addition to having seven or eight days' fresh provisions on board. No Report has been received from the commander of the vessel or the commander of the troops that provisions and water had run short;

and it is unlikely that there should be scarcity of water, because the ship put into Madeira before should have run short. It was not in consequence of inconvenience or privation that the troops were transferred to the *Calabria*, because no Report of that kind had been received; but the order was sent out from the Admiralty in consequence of the ship having made such a bad passage owing to the leakage in her boilers. Pains had been taken to ascertain that there were no defects in the vessel before she started; and the defect was of a kind that could not be ascertained.

VISCOUNT NEWPORT asked the Secretary of State for War, Whether he can state to the House the exact number of horses that died on board the "Nemesis," and also on board the other vessels that conveyed cavalry to the Cape?

MR. CHILDERS: In reply to the noble Lord, I have to state that the number of horses that died in the *Nemesis* was 39, and in the other vessels 51, including two mules.

POLICE EXPENDITURE—INCREASE OF COST.

SIR BALDWYN LEIGHTON asked the Secretary of State for the Home Department, Whether, in view of the great difference of opinion as to the causes of the increase in the cost of police, he would take steps to obtain a report from the different police authorities as to such causes; and, if so, whether he would consider further what steps might be taken to make such information public or accessible?

SIR WILLIAM HARCOURT: Sir, I doubt whether there is much room for inquiry in connection with this matter. I have received a Return showing the increase in the cost of the police outside the Metropolis. The increase from 1879 to 1880 was less than £23,000 upon a total cost of £1,850,000; and it appears to me to be proportionate to the increase of the population. I doubt very mnch whether there is anything in the increase in the cost of the police outside the Metropolis which calls for any special inquiry. If the hon. Member should require it, I shall be very willing to lay Papers upon the Table showing the increase in the cost of the police, and the increase in the numbers of the force.

LAND LAW (IRELAND) BILL—"URGENCY."

MR. O'KELLY asked the First Lord of the Treasury, Whether, in view of the state of Ireland resulting from the enforcement of existing Laws by the Military forces of the Empire, it is the intention of Her Majesty's Government to demand urgency for the Land Bill, and so shorten the period of dangerous tension which must elapse before the remedial measures proposed by Government can come into operation?

MR. GLADSTONE: Sir, the hon. Member will excuse me for guarding myself against being supposed to assent to the proposition that the state of Ireland results from the enforcement of the law by the Military Forces of the Crown. That may be the opinion of the hon. Member, but I do not share in it. I should be disposed to attribute it to other causes. As to his Question whether it is the intention of the Government to demand "urgency" for the Land Bill, I have to remind the hon. Member that the House has kindly consented to take Morning Sittings on Tuesdays and Fridays, for the purpose of carrying on the discussions on that Bill. If we are more fortunate than we have hitherto been in avoiding an enormous and unprecedented multiplication of Questions, and Motions for the adjournment of the House, there ought to be a considerable time at the disposal of the House for the prosecution of the measure referred to by the hon. Member. At the same time, our estimate of the importance of the Bill, and the necessity of carrying it forward, is in no way abated, and it might possibly become our duty to make fresh proposals to the House.

SIR EARDLEY WILMOT asked the Prime Minister, Whether there was any truth in the statement which had appeared in some of the morning papers that, with the view of expediting the progress of the Irish Land Bill through Parliament, portions of the Bill were to be abandoned?

MR. GLADSTONE: None whatever, Sir.

POST OFFICE (TELEGRAPH DEPARTMENT)—THE CLERKS.

MR. MACLIVER asked the Postmaster General, If there is any ground for the complaint that the privileges provided by the Acts of 1868 and 1876 have been withheld from the telegraph clerks; and, whether it is intended to place them in the position to which, according to the opinion given by the Attorney General on the 19th of May, they are legally entitled?

Mr. FAWCETT: Sir, in reply to the hon. Member I have to state that, so far as I am aware, no privileges to which the telegraphists are entitled have been withheld from them, nor is it intended that any privileges to which they are entitled should in future be withheld from them. In order to prevent a misapprehension which may arise from the reference contained in the hon. Member's Question to an answer given by the Attorney General some time since, I think it is well to say that I have the authority of my hon. and learned Friend the Attorney General to state that in the answer to which reference has been made he never for one moment intended to convey the idea that the telegraphists were entitled to any legal rights which they have not enjoyed.

Mr. LABOUCHERE asked the Postmaster General, Whether overtime is compulsory in the Telegraph Department; and, whether he will define the legal status, rights, and privileges of the telegraph clerks—those transferred from the Companies; those irregularly appointed; those appointed since the last day of 1876?

Mr. FAWCETT: Sir, I think it will be obvious to the House that in the Telegraph Service there must occasionally be an exceptional pressure of work, when, for instance, unusually long Parliamentary debates or important political demonstrations have to be reported. Unless a staff were maintained which for ordinary purposes would be redundant, it is evident that when there is this pressure of work it can only be got through by some of the telegraphists being employed overtime. It often happens that a sufficient number of volunteers are found for the overtime work which is required; but when this is not the case the course which is adopted at the Central Office is to select by ballot the number required to work overtime. In reply to a Question addressed to me on a former occasion, I stated that I was very desirous that the amount of overtime work should be no greater than is rendered necessary by the requirements of the Service; and in order to effect this, among other objects, I have already submitted certain proposals to the Treasury. With regard to the latter part of the Question, I am sure my hon. Friend will see that an inquiry involving considerations of legal status would be most fittingly addressed to the Law Officers of the Crown.

Mr. LABOUCHERE asked the Secretary to the Treasury, When the scheme relating to the telegraph clerks, which the Postmaster General has already stated is in the hands of the Treasury, will be issued?

Lord FREDERICK CAVENDISH: My right hon. Friend the Postmaster General communicated to me unofficially certain preliminary proposals for the improvement of the position of the telegraphists towards the close of last month. I have since been in constant communication with him with the object of arriving at the best settlement of a question which is of great importance, both from the number of persons affected by it and the serious financial considerations involved. I can only assure my hon. Friend that we are anxious to arrive at such a settlement with as little delay as the difficulty and complexity of the subject will allow, and that it is intended by my right hon. Friend to issue the scheme as soon as it is definitely settled and sanctioned by the Treasury. In order to prevent injury to individuals from such unavoidable delay as may still occur, it is proposed that the scheme, when adopted, shall take effect from the 1st of April last.

TREATY OF BERLIN—BULGARIA.

Mr. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether the statement in the public journals is correct that the First Lord of the Treasury has forwarded a letter to M. Zancoff, one of the leaders of the Constitutionalists in Bulgaria, expressing his sympathy with them in their endeavours to sustain the Constitution of their Country; whether there is any truth in the report that the Russian Government is sending officers and arms to Bulgaria to aid Prince Alexander in an attempt to subvert the Constitution which he had sworn to obey; and, whether any confirmation has been received by Her Majesty Government of the publication of a note in the Russian

Official Gazette, in which it is stated that—

> "The Russian Government desires the Bulgarian nation, placing confidence in the loyal words of the Prince, should remain faithfully united to him, and oppose the instigations of ambitious agitators who may plunge the Country into anarchy involving its ruin;"

and, if so, whether Her Majesty's Government intends to communicate to the Bulgarian Constitutionalists that this appreciation of the confidence to be placed in the loyal words of the Prince, and of the results of their efforts to maintain the Constitution, is not shared in by Her Majesty's Government as one of the signatories of the Treaty of Berlin?

SIR CHARLES W. DILKE: Sir, the first portion of my hon. Friend's Question should be addressed to the Prime Minister. Her Majesty's Government have received no such information as that referred to, respecting the despatch of Russian officers and arms to Bulgaria; and, with regard to the last Question, I can only repeat that Her Majesty's Government have not been called upon to express any opinion as to the recent events in that country so far as the main portion of the case is concerned.

MR. LABOUCHERE asked the First Lord of the Treasury whether he would answer the first part of the Question?

MR. GLADSTONE: Sir, a short time ago M. Zankoff addressed a letter to me on the state of affairs in Bulgaria; but it was not an official letter, and it did not draw forth an official reply. I had the pleasure of making that gentleman's acquaintance in 1876, and he therefore was quite entitled to write to me. The substance of my answer—I am quoting from memory—was that we had not received sufficient information to enable me to form a judgment on what was meditated in Bulgaria. I added, however, that the prepossession of the British Government must always be in favour of order, legality, and liberty. We have since received further information; but it will require elucidation before an opinion can be expressed upon it.

AFRICA (WEST)—THE GOLD COAST.

COLONEL DAWNAY asked the Secretary of State for War, Whether, in consequence of the serious mortality prevailing amongst the West Indian regiments stationed on the Gold Coast, resulting in a great and unnecessary sacrifice of valuable lives, Her Majesty's Government will consider the advisability of abandoning Cape Coast Castle as a military station, and removing the West Coast garrison to St. Helena?

MR. CHILDERS: Sir, I need hardly assure the hon. and gallant Gentleman that the troops recently sent to Cape Coast will not have been kept there longer than necessary for the special circumstances of the threatened war, and orders have been already given to reduce the force. But to speak of the mortality there as "a great sacrifice of valuable lives" is a somewhat exaggerated expression. Though there has been much sickness, as is always the case at this time of year, the entire mortality was one European officer and three men of the West India Regiments, according to Colonel Justice's last Report. It would not be possible to abandon Cape Coast Castle altogether as a military station, if the Colony is to be preserved; but Colonel Justice reports that both officers and men quartered in the Castle have been in fairly good health. The sickness has been among the troops quartered outside the Castle in the town.

SIR HENRY HOLLAND inquired, whether it was intended to establish a sanatorium on the Gold Coast?

MR. CHILDERS: I do not think any Question on the subject has come before me since I have held Office. If, however, the Question is put again, I will endeavour to answer it.

ARMY (AUXILIARY FORCES) — THE VOLUNTEER FORCE — MEDALS OR BADGES.

MR. ANDREW GRANT asked the Secretary of State for War, If he will consider the desirability of signalising the approaching Royal Reviews of the Volunteers of England and Scotland by conferring a medal or badge on all Volunteers who can show continuous service in the Volunteer Force from the date of its enrolment, twenty-two years ago, till the present time?

MR. CHILDERS: No, Sir; this suggestion has been considered; but it is not, in my opinion, expedient to adopt it. A star is already worn for every year's efficient service.

LAW AND POLICE—ATTEMPT TO BLOW UP THE LIVERPOOL TOWN HALL.

Mr. ARTHUR ARNOLD: As I do not see any of the hon. Members for Liverpool in their places, and as I represent a neighbouring town, perhaps I may be allowed to ask the Secretary of State for the Home Department, Whether he has received any information as to the report of an explosion at the Town Hall at Liverpool?

Sir WILLIAM HARCOURT: Sir, I have received a telegram from the Mayor of Liverpool, dated 12.25 this afternoon. It is to the following effect:—

> "At 4 o'clock this morning a police-constable on duty discovered a lighted fuse close to the side door of the Town Hall, perceiving at the same time two men apparently watching. The constable followed them, giving the alarm to a brother officer of what he had seen at the Town Hall. The second officer proceeded to the Town Hall and saw a package having the appearance of a sailor's bag, with something making a fizzing noise inside. He began to open the outside cover, but, finding it smoking and very heavy, he dragged it into the centre of the roadway and, becoming alarmed, he left it there. He had not got more than ten yards when it exploded with a loud report, breaking the windows of the Town Hall and the windows opposite, and destroying a piece of the iron palisade, some pieces of the bomb passing over the buildings and breaking the windows in the adjoining streets. Pieces of iron picked up showed that the bomb was of the same material as was used in the attempt made lately on the police-station. The first policeman followed the two men, and, with assistance, captured them. Both were armed with loaded revolvers. Both are Irishmen, and one has recently arrived from America."

STATE OF IRELAND—DISTURBANCES AT CLONMEL.

Lord EUSTACE CECIL: I beg to ask the Secretary of State for War, Whether he is now in a position to contradict the very alarming statements which have appeared in some newspapers with reference to the conduct of the troops stationed at Clonmel?

Mr. CHILDERS: May I ask if this is the Question put on the Paper by the hon. Member for the City of Cork (Mr. Parnell)?

Lord EUSTACE CECIL: No, Sir; I meant to have asked a Question after the hon. Member for the City of Cork had addressed his Question.

Mr. CHILDERS: I can answer the Question of the hon. Member for the City of Cork if, in his absence, any hon. Member will put the Question which is on the Paper.

Mr. JUSTIN M'CARTHY (for Mr. Parnell) asked the Secretary of State for War, Whether his attention has been drawn to the following paragraph in the "Freeman's Journal" of June 1st:—

> "The military, consisting of about 100 Hussars, drafted from Cahir and Fethard, and about 100 men of the 48th Foot, and a large number of constabulary, were drawn up in military order in Nelson Street. A small excited crowd, consisting of about two dozen persons, men, women, and children, were standing on the footpath at the corner of Nelson Street, listening to the advice of the Rev. Mr. Byrne, of Clonmel, when suddenly an order was given to the Hussars to charge. The company charged the unarmed crowd full speed on the footpath, slashing their swords in an unmerciful manner. Some of the soldiers' horses fell in the charge, and the people had to seek refuge in shops, private houses, hotels, &c. The troops again came charging back through the town. While coming through Dublin Street stones were thrown from the windows, and the military had to take refuge in the barracks. The shops had to be closed, and business was absolutely suspended. I am unable to give an accurate account of the number of the wounded, having to fly for protection to Hearne's Hotel myself;"

and, whether it contains a correct account of what took place?

Mr. CHILDERS: Sir, the hon. Member for the City of Cork does not state where the occurrence described by the extract from *The Freeman's Journal* took place; but I find that it was at Clonmel. The narrative is altogether inaccurate; and, perhaps, I had better read the official Report from Colonel Foster, commanding the troops, which I have every reason to believe is correct:—

> "At about 1 p.m. on the 31st ult. three side streets in Clonmel were occupied by two officers and 40 men of the 20th Hussars, and two officers and 100 men of the 48th Regiment. While there stones and other missiles were freely thrown by the mob, which consisted of some hundreds, into the ranks of the infantry, one man of the 48th being hit on the head with a piece of iron and knocked down senseless. This piece of iron was taken possession of by the captain commanding the party of that regiment. After the lapse of about three hours the crowd became so riotous that Captain Slack, Resident Magistrate of Carrick, told him (the officer in charge) that the cavalry should mount, as their services might be required immediately. A few minutes afterwards Captain Slack gave instructions that the cavalry should clear the streets, on which the officer commanding the detachment of Hussars was directed to send an officer and half his men for this purpose, which he did. In the meantime a constable had been much injured, and Colonel Carew, R.M., gave

instructions to move some of the infantry into Nelson Street in front of the Court House. The detachment of cavalry, after clearing the street, took up a position in Nelson Street, with the infantry and a body of constabulary. Large stones were being so continuously thrown by the mob that the constabulary charged them, and, after a little delay, there being no cessation to the stone-throwing, by which men and horses were being injured, Colonel Carew gave instructions that the cavalry should again clear the street; and, on their return, seeing the very turbulent state of the populace, he suggested that the remainder of the infantry in garrison, who were then in barracks, should be turned out, as it appeared that their services would be required; but the proceedings at the Court House having terminated, the gentlemen of the Emergency Committee were escorted to barracks, and it was not necessary to send out any reinforcements. The detachment of cavalry, consisting of about half the mounted force employed on that day, when leaving barracks at Clonmel, on their return to Fethard, at about 9-45 p.m. the same evening, were assailed by a volley of stones from a mob who had taken up a position behind a wall and in the street, one of the Hussars was knocked off his horse, and a horse was so injured that he had to be left behind."

MR. TOTTENHAM: Are we to understand that there is no foundation whatever in fact for the Question which was put on the Paper?

MR. CHILDERS: I have already stated that the narrative is altogether inaccurate. The Report was called for in order that I might be able to state the precise circumstances of the case.

MR. ASHMEAD-BARTLETT: Has the Government received any information as to the serious riot which has occurred, and is reported to be still in progress, at Cork?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): I have not yet received any Report on the subject. I may remind the hon. Member that, owing to the telegraph, information appears in the London newspapers as soon as it reaches the Castle in Dublin.

MR. RITCHIE: Is the House to understand that the Attorney General for Ireland, having seen the very serious news which came from Ireland in the morning papers, has made no inquiry whether the reports are true or untrue?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Sir, we receive, in the course of the day, telegraphic accounts of any occurrences happening in Ireland of a serious character. I have not yet received to-day's Report; but when it does come I expect to find that the reports of occurrences which appear in the papers this morning are just as much exaggerated as some of those which previously appeared.

MR. RITCHIE: That is not an answer to my Question. I asked if no inquiries had been made as to the correctness or incorrectness of the accounts in the papers of this morning?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): If the hon. Member thinks my answer not sufficiently explicit, I beg to say that I have not asked for information, because if anything serious has occurred, I expect, as usual, to receive information about it in the course of the day.

ORDERS OF THE DAY.

SUPPLY—CIVIL SERVICE ESTIMATES.

SUPPLY—*considered* in Committee.

(In the Committee.)

CLASS II.—SALARIES AND EXPENSES OF CIVIL DEPARTMENTS.

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £33,182, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Offices of the House of Lords."

MR. ARTHUR ARNOLD said, there was a Motion upon the Paper with reference to this Vote standing in the name of his hon. Friend the Member for Southwark (Mr. Thorold Rogers.) He (Mr. Arthur Arnold) had no intention, nor did he believe any other hon. Member had any intention of taking up that Motion, of which the object was to reduce the Vote by the sum of £1,500, being the salary of Colonel Talbot, the Serjeant at Arms in attendance upon the Lord Chancellor. He wished, however, to put a question to the Secretary to the Treasury in reference to the electioneering matters with which Colonel Talbot had been conspicuously concerned. The matter he referred to related to the election for the City of Oxford, and he desired to know whether there had been any expression of the displeasure of the Executive concerning the connection of Colonel Talbot with that election. Although he did not intend to move a reduction of the Vote by the amount of Colonel Talbot's salary, he certainly thought it a most unbecoming thing for an officer of the House of Lords to interfere in any way with electioneering matters, either in Oxford or anywhere else; and he believed the Committee would learn with satisfaction that there had been some official expression of displeasure in this matter.

LORD FREDERICK CAVENDISH did not think that it was the duty of the Treasury to express any opinion upon the conduct of an officer of the House of Lords. He wished to remind the hon. Member for Salford (Mr. Arnold) that until a recent period the salary of the officers of the House of Lords were paid out of the fee funds of that House; but, in accordance with a new rule, an arrangement had been come to by which the House of Lords surrendered that fund on condition that the salary of all their officers should be placed upon the Estimates. He did not think it would be a good return for that concession on the part of the House of Lords if the Treasury were now to take upon themselves the duty of passing an opinion upon the conduct of one of the officers of that House. Still, further, he was assured by his hon. and learned Friend the Attorney General that a reference to the Report of the Oxford Commissioners would show the hon. Member for Salford that no action was required on the part of the Government.

SIR R. ASSHETON CROSS said, that there was not the slightest ground for any representation to the House of Lords, or for inflicting a reprimand on Colonel Talbot.

MR. ARTHUR O'CONNOR asked for an explanation in reference to an item in the Vote for Exchequer extra receipts, and also for some information in regard to the invested fee fund of the House of Lords, out of which the retiring allowances of the officers of that House were paid. He wished to know if the noble Lord the Secretary to the Treasury could inform the Committee what was the amount of that invested fee fund; the amount of interest received from it; what was the particular appropriation of that interest, and whether there was any Parliamentary Paper which gave any information with regard to it? There was another question he wished to put in regard to pensions. He found in the Report of the Comptroller and Auditor General a statement that the pensions of ex-Lord Chancellors would be found in Vote 3, Class III. He had looked in vain through that Vote to find any account of the kind, and all he could find was that the pensions were referred to in Class VI., Vote 1. He had carefully examined that Vote, and he failed to find any charge of £1,590 upon the invested fee fund; and he therefore asked the noble Lord to assist him, as otherwise it would be practically impossible to check the total charge for these Services. He hoped the noble Lord would be able to enable the Committee to come to a complete understanding in regard to the various items of the Vote.

LORD FREDERICK CAVENDISH said, the amount of the fee fund was £14,000, and the interest upon it was annually returned at £420. With respect to the Comptroller and Auditor General's Report, he could only say that his attention had not been called to any error in the Report; but he would make inquiry and inform the hon. Gentleman where he could find the information he wanted.

MR. BIGGAR said, that on page 71 he saw a reference to two officers of the House of Lords. He had no wish to attack either of them. He believed that both of them were efficient and useful officers. One of them was the Usher of the Black Rod, and he saw that Sir William Knollys received the payment of £1,000 a-year as honorary colonel of a regiment. From the same Vote it appeared that one of the door-keepers received £300 for acting in that capacity, and that he was also entitled to a retiring pension of £100 a-year from some other office; but during the time he held the position of door-keeper in the House of Lords the pension was suspended. There was, therefore, an important discrepancy in the two cases. In the one case one official received two payments, while in the other, although the claim was certainly more substantial than for holding the honorary colonelcy of a regiment, the pension was suspended as long as the salary of door-keeper was enjoyed. He wished to know whether, in the opinion of the Government, it was not advisable to have one system of payment in all cases?

LORD FREDERICK CAVENDISH had no doubt the real fact of the case was that that the door-keeper was entitled to a pension from some other office, which brought him under the ordinary rule by which pensions were suspended in the case of officers receiving direct salaries. It was the usual custom, in all such cases, to hold the pension in abeyance. With regard to the Black Rod, he was not aware of the circumstance under which Sir William Knollys continued to receive the allowance of £1,000 a-year; but he presumed that that allowance was not regarded as a pension. Sir William Knollys was the honorary colonel of a regiment, and as such was entitled to the pay of a colonel.

MR. HINDE PALMER remarked that the Lord Chancellor was paid in two ways. He received one salary of £4,000, and in addition to that sum there was a charge of £6,000 a-year in the Consolidated Fund in respect to the Lord Chancellor's Office as Lord Chancellor. Now, of late years, the Lord Chancellor seldom, or ever, sat in the Court of Chancery as Lord Chancellor at all, and on several occasions some inconvenience had been experienced in consequence. At the present moment, for instance, from a cause which they all lamented, there was a vacancy in the Lord Justices' Court, and it became desirable that the Lord Chancellor should take turns in sitting with the Lord Justices as a Court of Appeal. The Lord Chancellor's duty as Lord Chancellor, as far as a Court of Chancery was concerned, had almost become a sinecure in reference to the number of days he sat there. When this Vote was last before the House, he (Mr. Hinde Palmer) had a Return from the Judicial Statistics showing the very few occasions in which the Lord Chancellor had sat at all in the capacity of Lord Chancellor. He merely mentioned the circumstance because he thought it was desirable, if possible, consistently with his other duties, that the Lord Chancellor should take his turn with the Lords Justices in the Court of Appeal. He was happy to see that the present Lord Chancellor, since he held the Office, had taken the opportunity of more fully complying with the position of Lord Chancellor, and had frequently acted as Judge of the Appellate Court. He (Mr. Hinde Palmer) had felt it his duty to make these observations, because he saw that there was a sum of £6,000 additional secured upon the Consolidated Fund for the Office of Lord Chancellor.

MR. FINIGAN wished to know what was contemplated by this fee fund, and what was the object with which it was paid into Her Majesty's Treasury? He did not find that the whole of the fees received by the House of Lords were, as a matter of fact, paid into the Treasury; and he wished to know why the sum which was kept back, and which amounted to about £2,000, was not paid into the Treasury in the way in which the ordinary fees were?

LORD FREDERICK CAVENDISH said, he presumed that the invested fee fund consisted of the accumulated balances of the fees received in former years. These fees were invested for the payment of the expenses of the House of Lords. An arrangement, as he had already said, had been made with the House of Lords by which that House gave up their fees, and the salaries of the officers of the House were charged in the Estimates.

MR. ARTHUR O'CONNOR said, that one hon. Member — the Member for Stoke-upon-Trent (Mr. Woodall)—had placed a Motion upon the Paper for the reduction of that Vote by the sum of £200, being the salary of the Secretary to the Lord Great Chamberlain. He (Mr. Arthur O'Connor) found that last year the Comptroller and Auditor General directed special attention to that charge, and to some correspondence which took place in regard to it between Mr. Treherne and Sir William Rose. It was a matter which certainly ought to be ventilated in the House of Commons, if only for the sake of the officer referred to. The first letter was from the Exchequer and Audit Department, and was dated the 9th December, 1880, and ran as follows:—

"In your cash account of the House of Lords for the quarter to 30th June last, a sum of £50 is charged as a payment to the Hon. W. H. P. Carington, for salary as Secretary to the Lord Great Chamberlain. I am directed by the Comptroller and Auditor General to request that you will be good enough to inform him if this gentleman is the Lieutenant Colonel the Hon. W. H. P. Carington, who is stated in *The London Gazette*, of 2nd April last, as a Member returned to serve in the Parliament summoned to be holden at Westminster on the 20th April, 1880, for the Borough of Chepping Wycombe. If this should be the case, I am to inquire whether this payment is, in your opinion, as accounting officer, one that can be properly charged to the Vote for the House of Lords, having regard to the Act of Parliament 6 Anne, c. 41, s. 24."

The answer which the Comptroller and Auditor General received was scarcely satisfactory. Sir William Rose acknowledged the receipt of the letter, and went on to say that he believed Lieutenant Colonel Carington, the Secretary, was Lieutenant Colonel Carington of the Grenadier Guards, who was returned Member for Chepping Wycombe at the last General Election. The letter proceeded to say—

"The salary of £200 per annum attached to this office appear to have been sanctioned by the Treasury in 1855, and paid by that Department together with the salaries of the Chairman of Committees and his Council, Serjeant-at-Arms, and extra door-keepers, until 1868, when, in consequence of the Treasury refusing to continue such payments, the matter was brought before the Parliament Office Committee, and the Committee directed the Clerk of the Parliaments by Resolutions, copies of which are inclosed herewith, to prepare a detailed statement and estimate of 'the salaries and expenses relating to the House of Lords;' and the expenses of the Lord Great Chamberlain's Department, including the salary in question, appears in the Civil Service Estimates laid before Parliament in 1869, and has been continued in the Estimates down to the present time. The appointment of the Secretary is in the Lord Great Chamberlain or Deputy. He is not of my establishment, nor in any respect under my control. The statute 6 Anne, c. 41 (in the ordinary editions, 6 Anne, c. 7), s. 24, referred to, imposes certain disabilities, and your inquiry is whether, in my judgment, it is applicable to the office in question. The answer to this appears to me to affect the status of a Member of the other House of Parliament, and any such question is, I apprehend, to be decided by the House of Commons. Under these circumstances, I must submit that any further inquiries should be addressed to the Deputy Lord Great Chamberlain rather than to myself; and I certainly do not feel called upon to give any opinion upon the construction of a statute which eventually might have to be decided by the other branch of the Legislature."

This letter would show that this was a matter which ought to be brought before the notice of the House of Commons. The Comptroller and Auditor General replied to that letter in these words—

"I have, in the first place, to observe that your opinion was requested, not upon a construction of a statute, but upon the propriety of a payment which you, as accounting officer, had charged to a Vote which you were responsible for administering within the limits of the Estimates and authorities relating thereto. I am to remind you that, as accounting officer of the Vote under the provision of the Exchequer and Audit Act, the Comptroller and Auditor General can only look to you to supply him with any information necessary to substantiate charges in your account. He, therefore, does not feel himself justified in accepting your suggestion that he should apply to the Deputy Lord Great Chamberlain on the subject."

He thought everybody would admit that the Comptroller and Auditor General was right in the course he took. His reply elicited another letter as unsatisfactory as the first. It was as follows, and was dated Parliament Office, House of Lords, 11th January, 1881:—

"I am directed by the Clerk of Parliaments to acknowledge the receipt of your letter, No. 1723, dated 24th December, 1880, referring to his letter of 20th December, to Mr. Treherne, on the subject of a payment to the Hon. Lieutenant Colonel Carington, from the Vote for the Expenses of the Offices of the House of Lords, in which you state that 'the only matter upon which the Comptroller and Auditor General feels it necessary to trouble you further has reference to the concluding paragraph in which you submit that any further inquiries should be addressed to the Deputy Lord Chamberlain rather than to yourself, and that you certainly do not feel called upon to give any opinion upon the construction of a statute which eventually might have to be decided by the other branch of the Legislature,' and you proceed to state that the opinion of the Clerk of Parliaments was not required upon the construction of a statute, but 'upon the propriety of a payment which you, as accounting officer, had charged to a Vote which you were responsible for administering within the limits of the Estimates and authorities relating thereto.'"

Mr. Treherne's letter, after inquiring whether the Hon. Lieutenant Colonel Carington, the Lord Great Chamberlain's Secretary, was the hon. Lieutenant Colonel Carington, the Member for Chepping Wycombe, proceeded—

"If this should be the case, I am to inquire whether this payment is, in your opinion, as accounting officer, one that can be properly charged to the Vote for the House of Lords, having regard to the Act of Parliament, 6 Anne, c. 41, s. 24? The Clerk of the Parliaments was and is still of opinion that this inquiry can only be answered by giving an opinion upon the construction of the clause referred to. You remind the Clerk of the Parliaments of his duty as accounting officer, and that the Comptroller and Auditor General can only look to him to supply him with information necessary to substantiate charges in his account. The Clerk of the Parliaments was called upon, not merely for information, but for an opinion. The Clerk of the Parliaments, in his letter to Mr. Treherne referred to, stated the grounds upon which the payment in question is included in the Estimates of the House of Lords, and as the Comptroller and Auditor General does not require any further information on the subject, the Clerk of the Parliaments presumes that he is satisfied with the explanation, and that the Clerk of the Parliaments has duly discharged his duty as accounting officer, and has afforded the Comptroller and Auditor General the information necessary to substantiate the charge in his account. I am further directed to acquaint you that the Clerk of the Parliaments is ready to furnish any further information which may be required, and which belongs to his Department; but, with reference to the gentleman who may be acting as Secretary, this is a matter that rests entirely with the Lord Great Chamberlain, or his Deputy, to whom upon this particular point the Clerk of the Parliaments begs again to refer the Comptroller and Auditor General."

It would appear that that officer distinctly refused to express any opinion as to the propriety of a charge which he himself made in his capacity of accounting officer. He appeared to decline to go into the question submitted to him by the Comptroller and Auditor General, and that officer very properly declined to continue the correspondence, but referred to the matter as one which ought to be dealt with by the House of Commons. The hon. Member for Stoke-upon-Trent (Mr. Woodall) had given Notice of his intention to move the reduction of the Vote by the sum of £200, the amount of the salary of Colonel Carington; but the hon. Member had not brought that Motion forward. It had, however, been upon the Paper for some time, and must have been brought to the notice of the hon. and gallant Member for Wycombe (Colonel Carington) and his friends, and it was only right that the noble Lord the Secretary to the Treasury should have an opportunity of offering some explanation upon the matter.

SIR HENRY HOLLAND said, that, as Chairman of the Committee of Public Accounts, he hoped to be allowed to make a few observations. The hon. Member for Queen's County (Mr. Arthur O'Connor) was quite right in bringing the question before the Committee; but it appeared to him (Sir Henry Holland) that the hon. Member had read to very little purpose the long correspondence which had passed between the Comptroller and Auditor General and Sir William Rose, if he did not go a step further and show the state of facts brought out by the Public Accounts Committee, so as to enable the House, if it was desirous of doing so, to express an opinion upon the whole question. Now, the Public Accounts Committee did not consider that it was within the scope of their duties to offer any opinion upon the legal question; but they thought it only fair and just to an hon. Member of that House to give him an opportunity, when the case was brought before them by the Comptroller and Auditor General, of appearing before the Committee, so that the Committee might hear what he had to say. Colonel Carington came before the Committee, and handed in a Memorandum, which, with the permission of the Committee, he (Sir Henry Holland) would read, because it embodied the whole case. The Memorandum was dated 8th March, 1881, and was as follows:—

"I am advised, and submit to the Committee, that the position which I occupy as Secretary to the Lord Great Chamberlain does not bring me within the disqualification created by the 6th of Anne, c. 41, for I hold no office of profit under the Crown. I am appointed by and solely under the Deputy Lord Great Chamberlain. My appointment is in no way submitted to the Crown for approval or rejection. Even the Lord Great Chamberlain holds no office of profit from or under the Crown. It is an hereditary freehold office, held by descent, and not by appointment. The creation of my position appears to proceed from the Lord Great Chamberlain requiring assistance in the performance of his duties, and so establishing an office in which was located a Secretary. Originally the whole expenses of such office amounted to £210 per annum, of which the Secretary received £100, since raised to £200. The annual expenditure was, in the first instance, defrayed by the Great Chamberlain, and repaid by a Treasury grant. The fact that the salary of the Secretary is voted by Parliament cannot cause me to be regarded as holding an office of profit under the Crown. The Estimates are full of instances (such as Judges, Marshals, or Gaol Chaplains) where persons performing public services are paid through a Parliamentary Vote; but yet no office of profit under the Crown is held by them."

The Memorandum began with the words "I am advised." He thought it desirable to know whether the hon. and gallant Member had been advised by counsel, and in answer to a question upon that point, the hon. and gallant Member stated that he had been advised by counsel, and, he (Sir Henry Holland) believed, by a very eminent counsel, on the whole matter. As it was not for the Committee to offer an opinion upon a point of law, they reported that it was beyond the powers intrusted to the Committee to express an opinion upon the question. They added in their Report that they had considered it desirable to call Colonel Carington before them, in order that they might afford him an opportunity of making any statement he chose upon the matter. He (Sir Henry Holland) ventured, in conclusion, to express his entire concurrence in the opinion given to the hon. Member and embodied in the Memorandum.

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, his hon. and gallant Friend the Member for Wycombe (Colonel Carington) placed himself unreservedly in his (the Attorney General's) hands when this question first arose; because, if the contention of the Comptroller and Auditor General was correct, it might have affected the seat of his hon. and gallant Friend in that House. He (the Attorney General) went as fully as he could into the matter, and examined the whole of the documents relating to the Office of Lord Great Chamberlain. He found that the Office was an hereditary one, and that the Secretaryship to the Lord Great Chamberlain was certainly not an Office of profit under the Crown. The money voted in payment of the salary was voted by Parliament; but it was in no respect an office of profit under the Crown. If he had entertained any doubt upon the matter before he made this inquiry, that doubt was entirely dispelled by the facts that were brought before him.

MR. RYLANDS entirely supported the views which had been expressed by the Chairman of the Public Accounts Committee (Sir Henry Holland). The matter was very carefully considered by the Committee, together with the whole Correspondence; and he could scarcely understand why the hon. Member for Queen's County (Mr. Arthur O'Connor) should have brought the matter forward, if he had seen the Report of the Committee.

MR. ARTHUR O'CONNOR remarked that he had not seen the Report of the Committee.

MR. RYLANDS ventured to point out that it was hardly necessary to read the whole of the voluminous Correspondence if the hon. Member was not prepared to state the conclusions which the Committee of Public Accounts had drawn from it. The Correspondence and the Report had been placed in the hands of every hon. Member. He thought that, in future, it would be a great advantage if hon. Members, before the Estimates were discussed, would refer to the Report of the Committee on Public Accounts, in order to see the manner in which the Committee dealt with the various points connected with the Estimates that were raised by the Report of the Comptroller and Auditor General.

MR. ARTHUR O'CONNOR said, that he had not been at all prepared to move the reduction of the Vote by the amount of the salary of the Secretary to the Lord Great Chamberlain; but it had struck him as strange that the hon. Member for Stoke-upon-Trent (Mr. Woodall), who had placed the Notice upon the Paper in regard to the salary of the hon. and gallant Member for Wycombe, should have left it standing there for a very long time, and should not have been in his place to bring it forward when it came on that morning. The course taken by the hon. Member for Stoke-upon-Trent struck him as so very extraordinary, that he had himself brought the matter forward in justice to the hon. and gallant Member for Wycombe. He now wished to ask why it was that the Serjeant at Arms in attendance upon the Lord Chancellor got £1,500 a-year, or £300 in excess of any similar Vote? Unless some good grounds could be shown for it, he would move to reduce the Vote by the sum of £300.

Motion made, and Question proposed,

"That a sum, not exceeding £32,882, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Offices of the House of Lords."—(*Mr. Arthur O'Connor.*)

MR. R. N. FOWLER said, he quite agreed with the hon. Member for Cavan (Mr. Biggar) that the salaries of the officers of the two Houses of Parliament should be the same; but he thought the remedy was to be found, not in reducing the salaries of the House of Lords, but in increasing those of the officers of the House of Commons. He hoped the noble Lord, whose duty it was to bring the Estimates before the House, would, before another Session, seriously consider this question. There could be no doubt that the work of the officers of the House of Commons had been very much increased. As far as the officers of the House of Lords were concerned, the noble Lord had already stated that that House had arranged to give up certain fees out of which their officers were originally paid, on the understanding that the whole of the salaries would be voted by the House of Commons. Under those circumstances, it would be a breach of faith to reduce any of the salaries.

Lord FREDERICK CAVENDISH said, in reply to the question of the hon. Member for Queen's County (Mr. A. O'Connor) that the Serjeant at Arms in the House of Lords was paid £1,200 a-year for one office that he held and £300 as Deputy Serjeant. It was thought that that office should be put on the same footing as the Serjeant at Arms in the House of Commons; but the Serjeant at Arms in the House of Commons had an official residence, which he believed Colonel Talbot had not.

Mr. BIGGAR stated that the hon. Member for Swansea (Mr. Dillwyn), in the last Parliament, suggested what was afterwards carried out, that the salary of the Chairman of Committees in the House of Commons should be raised so as to be the same as that received by the Chairman of Committees in the House of Lords. The Government which was then responsible for these matters agreed to that proposal, and placed an increased sum upon the Estimates for the salary of the Chairman of Ways and Means. He (Mr. Biggar) thought the salaries of the two offices should be equalized, and perhaps the noble Lord the Secretary to the Treasury would look through the list of salaries, and ascertain whether it was necessary or desirable to raise them or to lower them so as to assimilate them in future.

Mr. RYLANDS said, he had no faith in the economical professions which hon. Members made in dealing with the National Expenditure. He always observed that hon. Members who, under ordinary circumstances, professed to be economical, when they came to deal with the public money and had an opportunity of gratifying persons who were connected with the Public Service without putting their hands in their own pockets, rarely paid the slightest regard to their professions. They were always generous and readily disposed to reward public servants at the public expense. Now, he (Mr. Rylands) was quite as much alive as any hon. Member to the value of the services rendered by the officers of both Houses of Parliament; but he must confess that he looked with some jealousy upon the payments that were made in "another place," payments, too, over which the House of Commons had no control. It might be that the House of Lords, situated as they were in a magnificent chamber, and surrounded by great and august associations, might consider it necessary that all their officials should have large salaries, in order to mark their sense of the dignity of their position. But it did not at all follow that the House of Commons were to allow themselves to be influenced by the same considerations. They could not with propriety reduce the salaries of the officials of the Upper House; but he hoped they would guard against the feeling that because the House of Lords paid certain salaries they were bound to raise those which they paid to the same amount.

Sir JOSEPH M'KENNA rose to Order. He thought the hon. Member for Burnley (Mr. Rylands) was availing himself of the occasion to make a speech that had nothing whatever to do with the subject before the Committee. He would also express a hope that his hon. Friend the Member for Queen's County (Mr. Arthur O'Connor) would not press his Motion for the reduction of the Vote.

The CHAIRMAN: I waited until the hon. Member for Burnley sat down, in order to remind the Committee that any remarks upon the salaries of the officers of the House of Commons should be made upon the next Vote, and not upon the present one.

Lord FREDERICK CAVENDISH said, he had already pointed out that the salaries of the officers of the House of Lords were in no way under the control of Her Majesty's Government. He believed that they were mainly settled by the Parliament Offices Committee, which had existed for a long series of years.

Mr. BIGGAR said, he had not recommended, as the hon. Member for Burnley implied, that the salaries should be raised in the House of Commons. All that he said was that if the one salary was fair then the other must be presumed to be too high. He knew that it would be difficult to carry into operation any scheme that might be devised there by reducing salaries in the House of Lords; but he would suggest that if they found, on comparing the salaries of the two Houses of Parliament, that the salaries of the House of Lords officials were too high compared with the labour they underwent, an arrangement might be made that when any vacancy arose, the person succeeding an existing official should be required to take the appointment at a salary more in conformity with the sum paid in the House of Commons. On the other hand, if it was found that any salary was really too low, he saw no reason why it should not be raised. He certainly thought it unfair that one official should be paid upon so much higher a scale than another; and he would suggest to the Government that some means should be adopted for revising the salaries paid to the officials of the House of Lords, so that hereafter they might be assimilated to those paid in the House of Commons.

Mr. ARTHUR O'CONNOR said, he had no wish to press the Motion to a division. He had simply made it in order to obtain an explanation and some information from the noble Lord the Secretary to the Treasury. There was, however, one point upon which the noble Lord had as yet given no answer, and that was, what was the amount of money deducted from the Exchequer receipts in aid of the fees. It appeared that the sum of £2,000 was taken out in aid of the House of Lords Vote, and the balance only paid into the Exchequer. He wished to know on what ground that was done, and if it was intended to extend the system to any other Votes?

Lord FREDERICK CAVENDISH said, he was unable to give any precise information on the point at that moment; but he would make inquiries. He would, however, point out that when the arrangement was made with the other House of Parliament, by which they gave up their fees, they really made a very considerable concession to the House of Commons; and it was not desirable, under all the circumstances of the case, that they should impose anything like pressure upon the House of Lords.

Mr. BIGGAR said, he had received no explanation in regard to the different treatment received by the Black Rod and the door-keeper of the House of Lords. At present these two officials appeared to be paid in an entirely different way. He thought that when an official was promoted to a position which involved the receipt of an increased salary he should be required to surrender his pension, or, at any rate, that it should be held in abeyance. He had no doubt that the Usher of the Black Rod was thoroughly deserving of the promotion he had obtained; but he did not see why that officer should continue to receive the salary attached to his former position; and he was of opinion that the sum of £1,000 a-year should be deducted from Sir William Knollys' salary, being the amount he received as honorary colonel of a regiment.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(2.) £40,644, to complete the sum for House of Commons Offices.

Mr. FINIGAN wished, before the Vote was passed, to call attention to a matter which had occupied the Committee upon that Vote for several years past—namely, the propriety of equalizing the payment of all the police officers who did duty in connection with the House of Commons. As the matter now stood, one portion of those officers was paid at one rate, which he believed was a very fair rate, while another portion was paid at a very low rate indeed. Although he might suffer in the estimation of the hon. Member for Burnley (Mr. Rylands), he was certainly of opinion that the lower scale should be raised to the higher one, and that the policemen who now received the lower rate of wages should be paid the higher rate, which at present was only paid to a part of the officers. He was strongly of opinion that if any payment was made at all, it should be made equally to all persons who were required to perform the same duties; and, so far as he knew, all the police officers connected with the Houses of Parliament performed exactly the same duties. Under these circumstances, he trusted that the Government would really promise to do something for the officers who were underpaid. The noble Lord answered the question very favourably last year. He hoped the noble Lord would be prepared to give a similarly favourable answer now, and even go a step further, and say that something would really be done in the matter.

Lord FREDERICK CAVENDISH said, he had made inquiries into the circumstances, and he found that all the police were paid equally during the Session; but some of the less experienced of them did not receive as much during the Recess, as their general duties were not so heavy. An exception was made, however, in the case of some of the senior officers on this ground—that they had given up all chance of promotion, and had, therefore, to a certain extent, placed themselves in a disadvantageous position. They were all meritorious officers, and it was not desirable that they should be constantly changed; and, therefore, it had been agreed that they should receive a small additional remuneration.

Mr. R. N. FOWLER appealed to the noble Lord to consider this Vote before next year, observing that there could be no doubt that the work of the House had very much increased, and, consequently, the work of the officers of the House must have increased. Under these circumstances, he believed the noble Lord would have the support of the House generally if he saw his way to liberally increasing the scale of remuneration.

Lord FREDERICK CAVENDISH explained that this Vote was very slightly under the control of the Treasury. The salaries paid to the officers of the House were determined by a Commission, which consisted of the Speaker, the Chancellor of the Exchequer, the Master of the Rolls, the Attorney General, and the Solicitor General. In order to relieve the mind of the hon. Member, he would mention that some increase had been made in the salaries of some of the officers since last Session.

Mr. FINIGAN wished to call attention to the case of the Votes Office, mentioning that the salaries in that Department were fixed by a Committee of the House in 1835. Since that time everything had changed; money was not of the same value, and the gentlemen connected with that Office had now very much more heavy and serious duties than they formerly had. He wished to ask whether the noble Lord would introduce into that Office the principle that prevailed in the other Treasury Departments, so that the Deliverer of Votes and the first, second, and third Assistants should in future be paid as other officers of the House were paid? The salaries were now so fixed that if a clerk entered that Office at 16 and finished at 90 he only got the same fixed salary. He hoped that between this Session and next Session the noble Lord would try to introduce some system more in keeping with the general spirit by which this officialism was ruled, and more in keeping with the exigencies of the times, and with the increased work of these officers.

Lord FREDERICK CAVENDISH said, that it would be irregular for any one Department to recommend such a change.

Mr. ARTHUR O'CONNOR inquired whether the police who were kept at the House sometimes all night, as hon. Members were, received any extra allowance for the additional strain put upon them? He was under the impression that they did not, and he thought that unfair.

Lord FREDERICK CAVENDISH observed, that the police and Post Office officials held positions which were rather sought for, and he reminded the hon. Member of the different conditions of the work of the police engaged in the House from those of the police engaged outside, who were exposed to all kinds of weather. He did not consider that the night duty was very arduous for the police in the House.

Mr. ARTHUR O'CONNOR said, the police engaged in the House were men of special character and qualifications, and far above the ordinary run of policemen; and he thought it shabby that they should be detained sometimes all night without a penny of extra pay. He would suggest to the noble Lord, if the matter lay with the Treasury, to use his influence to obtain some additional payment for these men.

Lord FREDERICK CAVENDISH stated that the House police received 1*s.* a-day extra pay.

Mr. LOWTHER was glad to hear the hon. Member for Queen's County took so much to heart the fatigues of the police, and he trusted that next Session he would do all that lay in his power to prevent All-night Sittings.

Vote *agreed to.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £35,732, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses in the Department of Her Majesty's Treasury, and in the Office of the Parliamentary Counsel."

General Sir GEORGE BALFOUR said, he found that this Vote was largely increasing. Last year the fees for counsel amounted to £7,200; but this year they were £8,700. He objected to the double mode of paying counsel by salaries as well as fees, mentioning that there were two legal officers of the Treasury, with a clerk, receiving fixed salaries; and yet there were additional charges in the form of fees for counsel to the extent of £3,000 more than those fixed salaries. With such large sums annually paid as fees, in excess of the fixed salaries, it would be far preferable to employ additional lawyers at regular fixed salaries. He did not object to gentlemen rendering service to the State receiving remuneration; but the fees annually paid to individuals ought to be known to Parliament. The Appropriation Account gave no information upon this point. He hoped that the matter would receive attention, and that similar information would be given with respect to the English counsel to that given with regard to the Lord Advocate and his Department. In Scotland the amount paid as fees to the Law Officer was fixed and clearly stated.

Lord FREDERICK CAVENDISH said, that on general principles he agreed with the hon. Member; but he had not been able to carry them out.

Sir R. ASSHETON CROSS wished to know how it was that there was an increase in counsel's fees this year, seeing that there had not been many important Bills?

Lord FREDERICK CAVENDISH explained that for many years the Government had endeavoured to have all Bills, as far as possible, drafted by their own officers; but that had not been altogether possible, and there had been an annual necessity for a Supplementary Vote. This year they had thought it better to acknowledge the fact, and to make some provision for it.

Mr. ARTHUR O'CONNOR thought it very likely that some of this money had been wanted for the drafting of the Coercion Bills; and, to mark his opinion of the action of the Government, he should move to reduce the Vote by £400.

Motion made, and Question proposed,

"That a sum, not exceeding £35,332, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses in the Department of Her Majesty's Treasury, and in the Office of the Parliamentary Counsel."—(*Mr. Arthur O'Connor.*)

Lord FREDERICK CAVENDISH did not know whether it would be satisfactory to the hon. Member if he stated what his hon. and learned Friend (the Attorney General) had done in this matter.

Mr. BIGGAR said, he supposed that part of this money was for the Coercion Bills, and part for the Land Bill; but he could not understand the matter.

Sir JOSEPH M'KENNA hoped his hon. Friend would not proceed with his Motion, for it was only nibbling at the subject to reduce the Vote by £400; and that was not half as important as the question of time. The hon. Member was right as to the necessity for economy; but this was so small an economy that he hoped the Motion would be withdrawn.

Motion, by leave, *withdrawn.*

Original Question put, and *agreed to.*

(4.) £61,278, to complete the sum for the Home Department and Subordinate Offices.

Sir R. ASSHETON CROSS wished to know whether any alteration had been made in regard to the examination of candidates for the office of certificated manager of mines? Lord Aberdare, when passing the Coal Mines' Act, thought these examinations should be self-supporting; and he (Sir R. Assheton Cross) had followed in his steps to a certain extent. He only wanted now to draw attention to the subject.

Sir WILLIAM HARCOURT said, he was not aware that any change had been made.

Mr. ARTHUR O'CONNOR referred to a Return recently issued, which gave the names and previous occupations of the Inspectors of Factories, and stated whether they had been appointed by nomination or by open or limited competition. Looking through that list of 41 Inspectors, he found that only three had passed any examination by which their qualifications for their appointments were tested; while the other 38 were appointed directly by nomination. The first of these persons was a student-at-law; the second was an ensign; the third was a private tutor; the fourth had been a farmer who had farmed his own land; the fifth was a local secretary of the Royal Insurance Company; the sixth was a clerk in the Customs; the next was a B.A. of Christchurch, Cambridge; the next was a barrister, and so on. Those Inspectors had no proper qualifications for their appointments; and he wished to know whether the Government intended to institute, in the system of appointing Inspectors and Sub-inspectors of Factories, any mode of testing their qualifications?

SIR WILLIAM HARCOURT said, he had lately instituted a considerable change. A deputation had represented to him the desirability of appointing as Inspectors of Factories persons more conversant with the details of the work than the class from whom they had hitherto been appointed. Mr. Redgrave had agreed with him that it would be safe and wise to make make the experiment of selecting an Inspector of Factories from the artizan class. Nothing could be more injurious than to select a person who would represent a class interest, and who would be likely to exercise his influence as against employers; but with Mr. Prior, who had been selected, there was no fear of that. It was a matter of considerable importance that the class affected in this respect should feel that they were personally represented, and that they should feel that they had a share in the Public Expenditure. How far that experiment would succeed remained to be seen; but he should be sorry to consider that appointments such as Factory Inspectors were to be regarded as the appanage of any particular class. They ought to be made as generally representative of the community at large as possible; and the great object ought to be to select persons who would represent the different classes of the people. He understood the hon. Member to think that the standard of examinations for these appointments was not sufficiently high; but while it was quite true that a certain number of the Inspectors were appointed by nomination, he could assure the hon. Member that, according to his experience in the few cases that had occurred while he had been at the Home Office, the standard was extremely high. Besides Mr. Prior, he had only appointed one Inspector. There were, as candidates for that appointment, two gentlemen of the highest University reputation and attainments. One of them, who had passed the examination, was afterwards found to be physically unfit for the post, and he was succeeded by the other gentleman, who came next in the examination. Rather than exalt the standard, he thought if there was to be any reform it should be in another direction, for although candidates might be men of great ability, just come from the Universities, he was not quite sure that they were the right persons to send to inspect a sweating tailor's factory. He was not sure that such a man was the best instrument; what was wanted was a rougher and readier instrument; and if he could see his way to utilizing men employed in factories as Inspectors, and so getting material of a rougher character for the purpose, that, he thought, would be the best way in which to attempt a reform. He did not despise his Predecessors, and he desired to proceed tentatively. He had made one experiment from the artizan class, and he should watch that with great interest. He should be the last to desire to lower the standard of efficiency, though he thought it might be of a somewhat different character from what it had hitherto been.

MR. C. H. JAMES wished to draw the attention of the Home Secretary to the question of Inspectors of Mines. He had been struck by the disparity between the deaths from explosions in mines in different parts of the country, and he could not make up his mind that there was any good reason for that disparity. It might be that the different condition of the collieries, the veins of coal, and a variety of other circumstances, would account for a certain amount of disparity; but he did not think those varying conditions would account for so terrible a disparity as there was. He did not know whether it would be possible to get all the Inspectors together upon some occasion, so that they might put their heads together and see whether there was a substantial reason for the difference; but his impression was that if that was done it would be found that there was one sort of working in the North, another in Staffordshire, and another in Wales. If they found that they might suggest something by which the great loss of life in collieries might be lessened.

SIR R. ASSHETON CROSS informed the hon. Member that the Inspectors did meet every year for consultation, and that that had been the practice for many years. He wished to ask the Home Secretary whether he could give the House any information as to when the Royal Commission on Mines were likely to make their Report?

SIR WILLIAM HARCOURT replied, that he had answered that question a fortnight ago. A preliminary Report would soon be made; but there had been considerable delay with the final Report in consequence of a number of experiments which had been made with the safety lamp. The work was going on very satisfactorily, and the final Report would be presented as soon as possible. The right hon. Gentleman had stated what he was going to say with reference to the suggestion that the Inspectors met for consultation; but with respect to the disparity in the deaths, he had at one time thought there might be something special in the character of the coal mine affected. All at once, however, there occurred the explosion at Seaham, and that altered the whole balance of the year's calculations. One district might be perfectly safe for a long time, and then suddenly it was overwhelmed by some terrible calamity. Whether the Royal Commission would be able to throw any light on the subject he did not know; but the Reports on the four explosions which had occurred while he had been at the Home Office had thrown very little light upon it.

MR. BIGGAR said, it seemed to him that with regard to the qualifications of Inspectors the Home Secretary had done very little to remedy the present system, and he thought the experiment of appointing Mr. Prior might be carried yet further. He agreed with the right hon. Gentleman that it would be absurd to appoint a graduate of a University to inspect a tailor's shop; but he thought the Inspectors, as far as possible, should not be military men or unsuccessful farmers, or whoever could obtain the appointment through personal or political influence. Great benefit would be effected to all parties by a further improvement in the system of making appointments, and he thought it probable that if more practical men had been Inspectors of Mines there would have been fewer accidents.

SIR WILLIAM HARCOURT explained that no person was appointed an Inspector of Mines who had not served in a mine, and who possessed actual knowledge of mining. Factory Inspectors were on a totally different footing, and the examination of Mine Inspectors would be of a lower standard than in the case of Factory Inspectors.

MR. ARTHUR O'CONNOR wished to know why the system in regard to Mine Inspectors was not applied to Factory Inspectors, instead of men being appointed without any qualification whatever? What qualifications had a man who was merely a student at Oxford or Cambridge? Absolutely none. The Inspectors should be men who had some practical acquaintance with the work they had to inspect. If they did not know the ropes they would be of little use as Inspectors. He wished also to have some explanation of the legal charges under sub-head E.

SIR WILLIAM HARCOURT pointed out that while the work which a Mine Inspector had to inspect was always the same, a Factory Inspector had to inspect 50 different sorts of work. It would, therefore, be impossible for a Factory Inspector to have practical knowledge of all the work he had to inspect. He might know one trade out of the 50, but that would not help. There was one thing that was wanted—that was to get, not such men as could be obtained by competitive examination, but men of whose integrity there could be some guarantee. There was no class of men so exposed to temptation as the Factory Inspectors; and, therefore, it was difficult to select the best men. With regard to the legal expenses, it very often occurred that the costs incurred in enforcing penalties for breaches of the Act were not recouped to the district authorities by the penalties, and in those cases the Government made up the amounts and put them down as legal expenses.

SIR JOSEPH M'KENNA observed, that to find fit men for Factory Inspectors it was necessary to search not in one class alone, but all through society, and there was scarcely any way of preparing a class of men for such posts. It was a great thing if the Government could in each case find a man of intelligence and integrity, and who was content to take £200 a-year. These appointments should be given with regard to fitness only, and were not suitable objects of patronage.

Vote *agreed to.*

(5.) Motion made, and Question proposed,

"That a sum, not exceeding £48,068, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs."

MR. RYLANDS said, that last year, he believed, there was a Supplementary Estimate, in addition to the £7,000 charged for telegrams. However that might be, so much money was spent upon telegrams for the Foreign Office that he should be glad to hear from the Under Secretary of State for Foreign Affairs that this large sum was not likely to be exceeded. He believed it was stated by his hon. Friend on a former occasion that it was under the consideration of the Foreign Office how far the expenditure in connection with telegrams might be reduced. He wished to call the attention of the Committee to the amount paid to Queen's Messengers. It was a remarkable circumstance that these persons were paid a much larger amount of money than was paid to the Queen's Home Messengers. In the Home Office the pay was £150 a-year, while in the Foreign Office the Home Messengers received £150 increasing to £250 a-year, and the Foreign Service Messengers £400 a-year and £1 a-day for expenses. He had never been able to understand why a higher salary should be paid to persons going abroad on the Queen's Service; and he ventured to say there was no Foreign Office in the world which had officers fulfilling the same duties as these to whom anything like the same amount of salary was paid. His hon. Friend the Under Secretary would, perhaps, be able to afford an explanation of this matter.

SIR CHARLES W. DILKE said, with respect to the cost of telegrams, he was in a position to inform his hon. Friend that a Circular had been sent to all our Consuls abroad, calling attention to the great expenditure under that head, and asking them to limit the amount, and especially to abbreviate their messages as much as possible. The good effect of the Circular would, he hoped, be apparent in future years; but the Bill for the present year would necessarily be considerable, partly on account of the war between Chili and Peru, in relation to which a telegram cost at the rate of £1 6*s.* a word, and partly owing to the state of affairs in the East, in which case also the cost was very high. With regard to the second subject of the hon. Member's remarks, he had to say that the Foreign Service Messengers were required to speak foreign languages, and that the nature of their duties was the reason for paying them higher salaries. The Home Service Messengers of the Foreign Office would, in future, be placed on the same footing as the Messengers at the Home Office.

MR. ASHMEAD-BARTLETT thought it right to point out to the Committee that a large portion of the expense for telegrams in connection with Greece might have been saved had the Government made up their minds last October to do what they had done in April this year. The whole of the troubles in connection with Greece had been brought about by Her Majesty's Government, who took credit for the recent settlement which had been arrived at with regard to that question; while the truth was, as in the case of Ireland, that the Government had first created difficulties, and then undertaken to settle them. He should put himself in Order by moving the reduction of the Vote by £5,000.

THE CHAIRMAN: I must point out to the hon. Gentleman that he should not discuss the Eastern Question on the Civil Service Estimates, and that he cannot put himself in Order by simply moving a reduction of the Vote.

MR. ASHMEAD-BARTLETT did not propose to discuss the Eastern Question. He was simply advancing a reason for his proposed reduction of the Vote, on account of the misconduct of the Foreign Office. He had merely stated that in October last it was open to Her Majesty's Government to take the steps which they had taken only a month ago. That might be ascertained by a perusal of the Blue Books, which would show that the Turkish Government made the same offer in October as they had made since. Of course, the question might be greatly developed. He believed it would be easy to give such details as would satisfy hon. Members as to the unnecessary expenditure to which the Government had put the country. The same thing might be said with regard to affairs in North Africa. Her Majesty's Government had quite misconducted their relations with Tunis. He should not, however, go into that question, nor would he have alluded to it had it not been for the monstrous statements made outside the House by Members of the Government, which could not be allowed to pass without protest. Again, he considered it a just cause for complaint that Her Majesty's Ministers had not furnished the House with any Papers relating to their foreign policy for a period of more than four months.

Motion made, and Question proposed,

"That a sum, not exceeding £43,068, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs."—(*Mr. Ashmead-Bartlett.*)

Lord RANDOLPH CHURCHILL hoped that the hon. Member would not press his Motion to a division. The country did not pay the officials of the Foreign Office according to the success of their policy, but in order to secure the attention and intelligence that were undoubtedly devoted to the Public Service. For that reason he did not think the hon. Member for Eye would be justified by any precedent in dividing the Committee upon his Motion. He wished to ask a question with regard to an item which appeared as an allowance to the Permanent Under Secretary to the Foreign Office for the management of the Secret Service Fund. That was a most extraordinary item. The Permanent Secretary received a salary of 2,000 a-year, and the Government gave him £300 a-year extra for his services in connection with the Secret Service Fund. He believed the hon. Member for Burnley (Mr. Rylands) had on former occasions taken part in the discussion on this Vote; and, being aware of his economical interest in matters of this kind, he was anxious to attract his attention to the item in question. He ventured to say that the Under Secretary of State for Foreign Affairs would not get up in his place and say that the Secret Service money disbursed in the Foreign Office amounted to more than £1,000 a-year; and even if it did it was ludicrous to pay a man already in receipt of £2,000 a-year an additional amount of £300 for his management of this small fund. He hoped a full explanation of the item would be given, otherwise he thought the Committee would be justified in supporting a Motion for the reduction of the Vote by the sum of £300.

Mr. ASHMEAD-BARTLETT trusted the noble Lord would not oppose this item. He knew of no precedent that would justify the noble Lord in moving the reduction of the Vote by this sum of £300 for so necessary and important a purpose. It was well known that the Foreign Office had to conduct duties of great delicacy and difficulty, and he could not help thinking that the noble Lord was singularly unfortunate in choosing this particular item to object to.

Sir CHARLES W. DILKE said, he believed that the £300 a-year now paid to Lord Tenterden replaced the sum of £500 paid from 1824 to 1872. The Committee that sat in 1871-2 recommended that the sum should be reduced as it had been to £300. It should be remembered that the money was paid under peculiar circumstances. The Secret Service money was expended in a manner which did not admit of the account being audited by a clerk, and was, therefore, placed in the hands of one person—the Permanent Under Secretary of State. Under those circumstances, he thought the allowance was not an improper one. It might, perhaps, be thrown into the salary of Lord Tenterden; but he saw no reason why the two sums should not be voted separately. Under any circumstances, he could not undertake to withdraw the item.

Mr. NORTHCOTE thought there was a legitimate opportunity for effecting a small saving of public money in connection with the Department. It was formerly the case, when legal questions were raised of minor importance, to make the documents relating thereto up into a bundle, and send them to the Law Offices of the Crown, who very naturally objected to the practice; and it was therefore suggested that a legal adviser should be appointed to deal with minor legal points. There was a sum of £2,000 paid to a gentleman for legal advice given to the Foreign Office which he thought might be saved. Even if it were necessary to appoint another Assistant Under Secretary there would be a saving of £500 a-year. For this reason he would like to receive some information from the Under Secretary upon the point.

SIR CHARLES W. DILKE thought they could best discuss this matter on the Vote of £2,000 a-year for Dr. Parker Deane's salary. The opinion of the Law Officers, when asked, was given after consultation with Dr. Parker Deane; and, therefore, any proposal for saving money under that head would be better discussed as he had suggested. He believed that a large reduction had been effected upon the sum voted for the purpose in question, and it was possible that some reduction might be made at a future time.

MR. RYLANDS did not think it desirable that the item of £300 objected to by the noble Lord the Member for Woodstock should be passed without further consideration. It was true that Mr. Hammond received for several years £500 a-year for managing the Secret Service Fund, and that £500 a-year was taken out of the Secret Service money without the knowledge of Parliament, though the same gentleman was receiving £2,000 a-year as salary. With no little difficulty he (Mr. Rylands) was able to extract from the Government for the time being that this £500 was paid, and it was then arranged that the item should be put upon the Estimates, with the understanding that it should be reduced to £300. But he had never at any time agreed to, or expressed any opinion in favour of, this £300 a-year being paid. On the contrary, he had always considered that any payment for the administration of the Secret Service money was altogether unjustifiable, and that the Permanent Under Secretary of State for Foreign Affairs should have a salary sufficient to cover all the duties of his Office. The Committee must observe that the control of the Foreign Office over the Secret Service money was of a very partial character; and he thought the noble Lord the Member for Woodstock (Lord Randolph Churchill) was quite justified in raising this question.

MR. GORST thought it was a great pity that the discussion of a point of this kind should not be conducted without personal references. He did not consider it becoming that, in Committee of Supply, they should be occupied in praising or blaming gentlemen whose salaries they were asked to vote. The question of the noble Lord the Member for Woodstock deserved a more complete answer than it had yet received from the Under Secretary. The noble Lord's observation was that £300 a-year was paid to an official to whom, independently of that sum, Parliament paid what it considered to be a sufficient remuneration. The first question asked, and to which no answer had been given, was as to the amount of the Secret Service Fund of the Foreign Office. They knew that the accounts of the fund could not be audited; but there could be no objection to a statement on the part of the Under Secretary of the amount of Secret Service money spent by the Foreign Office. If that were stated, the Committee could then judge whether £300 a-year was a proper sum to pay any person for managing the fund. He supposed there was Secret Service money in every Department of the State; he knew there was in the Office of the Chief Secretary to the Lord Lieutenant of Ireland. Would the Under Secretary say that as much Secret Service money was spent by the Foreign Office as was spent in the Department of the Chief Secretary to the Lord Lieutenant, who received nothing whatever for managing the Secret Service Fund of his Department? The question which the Government had to answer was, why someone in the Foreign Office should be paid a certain amount of money for managing the small amount of Secret Service money at the Foreign Office, while in other Departments exceedingly large sums of Secret Service money were managed without any payment at all? That was a question which ought to receive an answer.

SIR CHARLES W. DILKE said, he might state, in general terms, that the expenditure of Secret Service money by the Foreign Office was much larger than that of the Lord Lieutenant in Ireland. For the reasons he had given, he could give no figures or details.

LORD RANDOLPH CHURCHILL said, the question was, why the Permanent Under Secretary at the Foreign Office received a salary for managing the Secret Service Fund, which no other official received?

Sir CHARLES W. DILKE said, the only reason he could give was that the expenditure at the Foreign Office was larger than that of any of the other Departments.

Mr. ARTHUR O'CONNOR reminded the Committee that when Mr. Fox was asked about the Secret Service money, he expressed an opinion that it was a disgrace to the country; and he added that he did not wish to know more about it than would prevent him making a fool of himself when he had to answer a Question in the House of Commons. He presumed the reason why the allowance was made for managing the Secret Service Fund at the Foreign Office was that a very large sum was placed for Secret Service purposes at the disposal of that Department, and it was not unusual for drafts to be made by Secretaries of State for the other Departments upon the Foreign Office—some of the Secret Service money placed in the first instance at the disposal of the Foreign Office being passed on to the other Offices as occasion required. He was quite at a loss to understand why the Foreign Office should act as banker for the other Departments in the matter of the Secret Service Fund, and that a charge of £300 a-year should be placed upon the Estimates in consequence. Supposing, as he hoped would be the case, the Secret Service Fund came to an end, that charge of £300 a-year would reckon as a kind of vested interest, and would become a permanent charge in favour of the official who drew it, because, no doubt, it would be agreed to in the same generous way in which, according to his experience, similar cases were always dealt with by the Government. It would, therefore, cost the country a considerable sum of money to wipe out this charge, and for that reason he objected to its standing upon the Estimates.

Mr. ASHMEAD-BARTLETT said, he was willing to withdraw his Motion for the reduction of the Vote, and wished, at the same time, to appeal to the noble Lord the Member for Woodstock and the hon. and learned Member for Chatham not to press their opposition to this charge of £300. It was clear that the administration of the Secret Service money was a very delicate operation; it was also clear, from the statement of the Under Secretary of State for Foreign Affairs, that more of that money came under the control of his Department than under the control of any other Office of State, and it was obvious that the negotiations and general business of the Foreign Office were far more difficult in their character than the business of other Departments. Under those circumstances, he hoped the Vote would be allowed to pass without further opposition.

Sir HENRY HOLLAND said, it was admitted that there must be Secret Service money, and that it must be administered by some one person in each of the offices. Therefore, he thought it not unreasonable, where so large an amount was disposed of as in the Foreign Office, that remuneration should be given to the person specially responsible; and it was simply a question whether it should be given by way of increase of salary or by special payment. His own opinion was that it should appear as a special sum, because, if the Secret Service Fund should cease, there would be no reason why the payment should continue; whereas by increasing the Permanent Under Secretary's salary a vested right would be established.

General Sir GEORGE BALFOUR believed the Secret Service Fund was administered through the Treasury, and the accountant entered in the Estimates as responsible to Parliament for the money voted was the able and reliable officer, Mr. Welby, of the Treasury. With such an officer the House of Commons might fully trust in the accountability, if supplied with the requisite information as to how this money was applied.

Lord FREDERICK CAVENDISH said, the Treasury had no knowledge whatever of the administration of the money.

Motion, by leave, *withdrawn.*

Original Question again proposed.

Lord RANDOLPH CHURCHILL said, he felt it his duty to move that the Vote be reduced by the sum of £300. He quite agreed with the hon. and learned Baronet the Member for Midhurst (Sir Henry Holland) that if the remuneration for administering the Secret Service Fund were included in the salary of the Permanent Under Secretary, there would be a risk of establishing a vested right. He wanted to know why the Permanent Under Secretary should receive £300, when no other official had the same payment? The Under Secretary had stated that the amount disbursed by the Foreign Office was larger than the portion of the Secret Service Fund disbursed by the Irish Office. He had reason, however, to believe that the hon. Baronet was in error; but, without entering into particulars, he preferred to have his own opinion on the subject, and to say that the amount disbursed by the Irish Secretary was, in all probability, more than that disbursed by the Under Secretary at the Foreign Office. But whatever might be the fact, it would not account for this amount being paid to the Under Secretary at the Foreign Office, and nothing being paid in the case of the Irish Office. He had always understood that the hon. Member for Burnley (Mr. Rylands) was one of those great reformers who advocated reductions in all the Departments of State; but it appeared that the only argument he could bring to bear on the present question was that the payment had been defended by successive Governments.

Motion made, and Question proposed,

"That a sum, not exceeding £47,768, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1882, for the Salaries and Expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs."—(*Lord Randolph Churchill.*)

MR. GORST thought the Committee had been left unintentionally by the Under Secretary of State for Foreign Affairs in a state of great misapprehension. He believed that most hon. Members supposed that the principal part of the Secret Service money was disbursed by the Foreign Office for Foreign Office purposes. Now, he ventured to say that a very small part of the fund was so spent. He believed everyone knew what the money was spent for, but that no one liked to say. No doubt it was quite true, as the Under Secretary had said, that the Foreign Office acted as bankers for the fund; but he (Mr. Gorst) denied that any considerable portion of this money was spent for strictly Foreign Office purposes. He challenged the Under Secretary of State for Foreign Affairs to state whether it was not the fact that it was only a small part of this money that was spent in the Foreign Service of the country.

MR. MITCHELL HENRY said, that the hon. and learned Gentleman the Member for Chatham had just challenged the Under Secretary of State for Foreign Affairs to say on what the Secret Service money was spent. But the hon. and learned Gentleman then went on to say that everyone knew; and, therefore, he (Mr. Mitchell Henry) would challenge him to state how the money was applied. He appealed to his hon. Friend the Member for Burnley not to join in a discussion raised by hon. Members opposite upon this miserable item of £300. There was a time for all things, and he ventured to say that the time which had been occupied in this discussion represented the loss of a large sum of money to the country, because it delayed the consideration of a great remedial measure.

SIR CHARLES W. DILKE wished to correct the hon. and learned Member for Chatham (Mr. Gorst) with regard to one point. The observation attributed to him by the hon. and learned Gentleman, that the Foreign Office acted as bankers for the other Departments in the matter of the Secret Service money, had really fallen from the hon. Member for Queen's County. Certainly, as far as the disbursement of the Secret Service money went, he believed it would be highly improper, without sufficient reasons, for any Member of the Government to say what was the amount spent in his Department in the course of the year; and he could therefore only in general terms say that the normal disbursement of the Foreign Office was much greater than that of any other Department.

MR. BIGGAR said, that the remarks of the hon. Member for Galway had no bearing on the question before the Committee. After appealing to the hon. Member for Burnley not to occupy time by joining in this discussion, he had done nothing else than occupy time himself. For his own part, he thought that a proper discussion of the Estimates, and an examination of the various charges contained therein, would tend to a considerable reduction of the Votes. Therefore, when a question of importance like the present arose, hon. Gentlemen, in his opinion, were perfectly justified in discussing it fully.

Mr. ARTHUR O'CONNOR remarked, that last year the Prime Minister assured the House positively and emphatically that there should be a considerable saving effected in the amount of the Secret Service money—larger than there had been in previous years. As a matter of fact, however, there had been nothing of the kind. He repeated his statement that the Foreign Office was drawn upon frequently in past years by the other Departments, and that would account for the large amount of money placed at the disposal of the Foreign Office for Secret Service purposes. As a matter of fact, a very large proportion of the Secret Service money was spent by other Departments than the Foreign Office; and there was no reason whatsoever why this permanent charge of £300 a-year should be inserted in the Estimates for the remuneration of one particular official, when, at the same time, there was no similar charge in any other Department. If, as he believed, much of the Secret Service money found its way into the hands of those persons in Ireland who recently issued the notorious Circular relating to persons "reasonably suspected," the management of the fund was both discreditable to the Government and the Empire. Under the circumstances, he hoped the Motion of the noble Lord would be pressed to a division.

Question put.

The Committee *divided* :—Ayes 21; Noes 165: Majority 144.—(Div. List, No. 237.)

Original Question again proposed.

Mr. CARINGTON remarked that there seemed to be 22 Messengers abroad who spent no less than £12,500 in travelling expenses. There were also £7,000 charged for telegrams in connection with the Foreign Service; and he should be glad if the Under Secretary would afford an explanation with regard to these items, for it was clear that the present method of gaining knowledge of the world's affairs was very expensive.

Mr. LABOUCHERE thought he could explain how this money was spent—that was to say, if things went on at the Foreign Office as they did when he was attaché at Constantinople. On one occasion £450 was spent in the expenses of an officer who brought a box of pills for the late Sir Henry Bulwer. Most of the despatches sent could be put into cipher and sent by post. In his opinion, £12,500 was a great deal too much to pay for Foreign Office Messengers; and therefore he should be glad to have some explanation as to how this money was expended.

Sir CHARLES W. DILKE said, he could not agree with the hon. Member for Northampton that it was desirable to intrust the Post Office with messages in cipher. The translation and deciphering of the messages would necessitate the employment of a large number of clerks and create a great additional expenditure. There would in that way be more money spent than under the present system. The Messengers were formerly paid by mileage; but they now received £1 1*s.* a-day for subsistence and their travelling expenses. Their accounts were produced in elaborate detail, and were audited by clerks at the Foreign Office, extreme care being taken that the money paid to them was the money actually spent. The journeys undertaken were large and difficult, and the staff had been cut down as much as possible. Indeed, the Department had been at considerable inconvenience on some occasions for the want of a sufficient number of Messengers. In the late commercial negotiations with Spain, for instance, it was necessary to send a special Messenger owing to the reduction of the staff; in fact, they were continually forced to put on special Messengers. The late Government, shortly before they left Office, had appointed an additional Messenger. In conclusion, he begged to assure the Committee that the greatest care was taken to reduce the number of journeys undertaken.

Mr. GORST said, there was a discrepancy with regard to the number of Messengers, which was an instance of the extremely careless manner in which the Estimates were prepared. Looking at the Estimates, it would seem that the number of Messengers had been reduced from 10 to 8, whereas it had been actually increased from 10 to 11. He agreed with the hon. Member for Northampton that the journeys performed by these officers were, for the most part, useless, because he supposed that most of the Foreign Office despatches, which were of a character that anyone in the world might read, could very well be sent by post. He did not suppose that oftener than once or twice a-year there was any need of secrecy. At any rate, those occasions were very rare, and the Under Secretary had admitted that the despatches could be written in cipher. When the hon. Gentleman said that it would take so long to write and decipher them he had wondered what cipher the Foreign Office used. He ventured to say that the despatch could be written in King Charles's cipher almost as quickly as ordinary writing, and that it could be deciphered with equal facility. If the Government would send most of their foreign despatches by post and use King Charles's cipher in the very few cases where secrecy was necessary, he believed a reduction of this large expenditure might be secured.

MR. LABOUCHERE asked whether these appointments were made by public competition?

SIR CHARLES W. DILKE said, they were not; but officers were generally appointed. If the appointments were by public competition, persons who had been residents abroad would be appointed, and, in that case, there would be no guarantee of their trustworthiness.

MR. LOWTHER remarked, that in his time there was a greater number of Messengers than now, and it was even then the case that Her Majesty's Legations were put to great inconvenience by the want of a proper number of Messengers. The Under Secretary had stated that the Messengers received £1 1*s.* a-day during the time they were absent from home. But he considered that hardly a sufficient allowance for English officers living in foreign hotels, where it was well known they would be put to greater expense than the people of the country. Indeed, he regarded this payment as a very small one, and he trusted the Under Secretary would see his way to increase it. The hon. and learned Member for Chatham asked why the Foreign Office did not make use of a well known cipher in their despatches; but a Member with a certain amount of common sense would see that it was not at all desirable to do so. The hon. Member for Burnley (Mr. Rylands) would recollect that Mr. Hammond had given evidence before the Committee, of which he was a Member, to the effect that no cipher had been yet introduced or used which could not in a short time be made out by a practised man.

MR. CARINGTON wished to know if there would be any objection to instituting an inquiry as to the desirability of appointing Messengers by public competition?

MR. GORST said, there appeared to have been an additional Messenger appointed within the last year. He presumed the hon. Gentleman did not bring that as a charge against the late Government?

SIR CHARLES W. DILKE said, that the last appointment appeared to have been made on the 16th March, 1880. His reference was to an increase in the number of Messengers of the Home Service.

MR. GORST hoped, in that case, the Under Secretary would explain how the increase in the number had arisen. There must have been an addition to the number, because it appeared that 10 Messengers were provided in 1881, and 11 in 1882.

LORD FREDERICK CAVENDISH said, that, according to the information of his hon. Friend the Under Secretary, the appointments were made before the Estimates were framed.

MR. LABOUCHERE said, the hon. Gentleman had given a reason why, in the ordinary way, the Foreign Office Messengers were not selected by public competition. He would like to know why it was that exception was made in the case of clerks at the Foreign Office? The objection of the hon. Gentleman would hardly apply to the case of clerks, who, it was generally recognized, should be appointed by public competition.

MR. ARTHUR O'CONNOR said, it must be that the present Government were responsible for the increase in the number of Messengers, because it had gone up since the hon. Gentleman was in Office from 21 to 23. It would be seen on page 88 that there were three officials resident abroad who received an extra £100 a-year each for their knowledge of foreign law. It was, to his mind, an extraordinary thing that these officers, while they were employed abroad, should receive a salary, not for the work they performed, but for a qualification which they possessed, whether they were abroad or at home; and he should very much like to know why that charge was relegated to Vote 1, Class V. There was another point to which he wished to call attention. The Committee would remember that last year, for the first time, the stationery and printing work of the country was thoroughly overhauled. It appeared that the printers received between 27 and 28 per cent more for the confidential work which they executed at the Foreign Office than they received from the War Office for the same work, and 41 per cent more than the work executed at their own premises, all of which they were bound by the terms of their contract to treat as confidential. He thought it would be very hard to defend the charge for the printer and reader on page 89.

Mr. A. MOORE asked if it was the fact that a weekly Messenger was sent to the principal European capitals, whether there was anything particular to communicate or not? Looking at the increased postal facilities, he thought they had a right to hope for a reduction under the head of Messengers.

Sir CHARLES W. DILKE said, they could not trust to the telegraph, for if telegrams were sent in cipher they must be followed by written despatches. It was quite true that there was a fixed Messenger Service. The routes were so arranged that the Messengers, as they returned, picked up bags sent from other places than the capitals. For instance, a man going to the Danube would pick up on his way home despatches from such a place of importance as Bucharest. It was a mistake to suppose that the Messengers ever left on their weekly route without despatches of the most important kind. With regard to the observations of the hon. Member for Queen's County upon the charge for printing and binding, it was quite true that the bill of the Foreign Office for these items was high; but the cost of binding was higher than at other Public Offices because the documents were of an extremely confidential kind, while the cost of printing was higher than it was at the War Office, because many of the documents were in foreign languages. He could assure the hon. and learned Member for Chatham that there had been no increase in the number of Messengers since the present Government came into Office. Two names were, he believed, omitted from the Estimates of last year; but those Estimates were not prepared by the present Government.

Mr. BOURKE reminded the hon. Gentleman that the two names were added because two office-keepers were abolished. He agreed with all that the hon. Gentleman had stated with regard to the Foreign Office practice; but he was quite unable to agree with the hon. and learned Member for Chatham (Mr. Gorst) that there was not sufficient work for the Foreign Office Messengers to do. He could assure the Committee that this question had been fully investigated by both Lord Derby and Lord Salisbury, who both agreed that it was absolutely impossible to reduce the number of Messengers. He would not go so far as to say that that these officers carried despatches of great importance every week; but if there were important despatches to be sent a sufficient staff must be retained. The hon. Gentleman had dwelt upon the necessity of sending a special Messenger to Madrid. He should like to ask him what had been the result of the commercial negotiations at that city, and whether this country had any chance of obtaining better terms with regard to their commerce?

Sir CHARLES W. DILKE said, he did not think he should be in Order in answering the question of the right hon. Member who had just sat down; but if he would give Notice of the Question, he believed he should be able to assure him that there was a chance of the negotiations with the Spanish Government leading to a satisfactory result in the course of the next winter.

Mr. GORST begged to withdraw what he had said with regard to the increase of the number of Messengers. He had been misled by the form of the Estimates, and had to thank the hon. Gentleman for the explanation he had given.

Mr. LABOUCHERE reminded the Under Secretary that he had not explained why the clerks at the Foreign Office were not appointed by public competition.

Sir CHARLES W. DILKE said, it was the distinct policy of Parliament, on the last occasion when this subject was dealt with by the House of Commons, to make a distinction between the Foreign Office and other Offices in the application of unrestricted competition. The decision arrived at was a tentative one; and this, no doubt, was a matter which might fairly again occupy the attention of the House. An attempt had been made by Lord Granville to enlarge the field of selection, and, on the average, 11 or 12 candidates had competed for each of the latest vacancies. Most of the men who came in passed a brilliant examination, and he believed they would have come in under a system of unlimited competition. This was a matter which, from time to time, would come under revision. He believed his noble Friend had gone as far as public opinion was prepared for at the present moment in opening the doors as widely as he had done, and in enabling 11 or 12 candidates, on the average, to compete for a single vacancy.

MR. NORTHCOTE asked whether the clerks in the Foreign Office did not receive smaller salaries in consideration of the fact that the Office was not thrown open to public competition; and whether the question of throwing open the Office to competition was not decided by the Secretary of State on his own responsibility, and not by the Department?

MR. LABOUCHERE asked whether, on the other hand, the clerks in the Foreign Office did not receive larger salaries than those paid in other Offices?

SIR CHARLES W. DILKE said, that the Foreign Office clerks received usually low salaries, and that, in particular, the junior clerks were paid only half as much as clerks of the same grade received in other Offices.

MR. CARINGTON asked whether the Queen's Messengers could not be appointed by open competition?

SIR CHARLES W. DILKE said, he would take care that the point was brought under the notice of the Secretary of State.

MR. ARTHUR O'CONNOR asked the Under Secretary if there was any way by which economy could be effected in the cost of printing for the Foreign Office?

SIR CHARLES W. DILKE said, that two months ago, when a discussion took place on this subject, he had engaged that the question should be again considered.

Original Question put, and *agreed to.*

Resolutions to be reported upon *Monday* next.

Committee to sit again *this day.*

RIVERS CONSERVANCY AND FLOODS PREVENTION BILL—[*Lords.*]—[BILL 120.]

(*Mr. Dodson.*)

NOMINATION OF SELECT COMMITTEE.

Order read, for resuming Adjourned Debate on Nomination of Select Committee [4th May], "That the Select Committee on the Rivers Conservancy and Floods Prevention Bill do consist of nineteen Members."

Question again proposed.

Debate *resumed.*

Amendment proposed, to leave out the word "nineteen," in order to insert the words "twenty-one,"—(*Mr. Heneage,*)—instead thereof.

Question, "That the word 'nineteen' stand part of the Question," put, and *negatived.*

Question, "That the words 'twenty-one' be inserted instead thereof," put, and *agreed to.*

Ordered, That the Select Committee on the Rivers Conservancy and Floods Prevention Bill do consist of twenty-one Members.

Select Committee *nominated:*—Mr. DODSON, Mr. SCLATER-BOOTH, Mr. PEEL, Mr. HARCOURT, Sir ANDREW FAIRBAIRN, Mr. REGINALD YORKE, Mr. ARTHUR ARNOLD, Mr. FELLOWES, Sir ROBERT CUNLIFFE, Mr. COMPTON LAWRANCE, Lord EDWARD CAVENDISH, Mr. PELL, Mr. ARNOLD MORLEY, Sir RAINALD KNIGHTLEY, Mr. MAGNIAC, Mr. STANHOPE, Lord EDMOND FITZMAURICE, Mr. LEVETT, Mr. HIBBERT, Mr. PUGH, and Mr. ARTHUR BALFOUR:—Five to be the quorum.

MR. E. STANHOPE, in moving the Motion of which he had given Notice, observed that the Bill had been 21 times on the Orders of the Day, and he was anxious to expedite its progress. The examination of witnesses by the Select Committee was most desirable; and though it would slightly prolong their work, it would enable them, by means of the evidence they obtained, to settle many points of dispute. As the Bill stood, it contained no definition of uplands, with regard to which most important proposals of taxation had been made. Without some such definition the Conservancy Board that would be created by the Bill would have dangerously excessive powers. A few witnesses would enable the Committee to define this difficult and important term, and would make it possible to settle the question in an equitable manner. He moved that the Committee have power to send for persons, papers, and records.

Mr. DUCKHAM seconded the Motion.

Motion made, and Question proposed, "That the Committee have power to send for persons, papers, and records." —(*Mr. Stanhope.*)

Mr. DODSON, while admitting the perfect fairness with which that Motion had been made, felt bound to say it was one which he could not accept. The hon. Member thought that its adoption would not long delay the Bill, and that the hearing of a very few witnesses would suffice; but he entirely differed from that view of the matter. Looking at the number of rivers in this country, and at the variety of interests concerned in them, he believed that if they once opened the door to evidence it would be impossible to stop at the examination of so very few witnesses as the hon. Gentleman supposed. If they admitted witnesses from one part of the country, they must admit them from other parts, and to attempt to do that at this period of the Session would be fatal to the Bill. Moreover, the Bill was based on the Report of a Select Committee of the House of Lords, which took a great deal of evidence; and, further, it was only an enabling measure—that was to say, it would give to each locality which desired them facilities for legislation in its own way for its own requirements. Before, however, any river basin or part of a river basin could be legislated for there must be a local inquiry, at which evidence must be given; then the scheme thus originating must be considered by the Local Government Board, who would hear arguments for and against the scheme; and, lastly, before any scheme could acquire the force of law, it must be embodied in a Provisional Order, which had to come before Parliament, when, if opposed, it would be treated like a Private Bill and sent to a Select Committee, who would take evidence. Therefore, to take evidence on this Bill would not only be a waste of time, but also a waste of power and of expense. He thought he had now given sufficient reason for not agreeing to that proposition, more particularly at that period of the Session. Of course, there would be no objection, he apprehended, on the part of the Committee to any Petitions being laid before them.

Mr. HENEAGE said, there were several rivers which were in no way represented on the Committee; and a Petition had come, among others, from the Humber Conservancy Board asking to be heard by counsel and by witnesses. If it could be arranged that the Committee should take cognizance of the various Petitions sent to the House in regard to that measure, he did not think that the present Motion would matter so very much; but as he doubted whether they could do so without powers being given them as proposed by the Motion, he should support his hon. Friend the Member for Mid Lincolnshire.

Mr. HICKS said, he should support the proposal of the hon. Member for Mid Lincolnshire (Mr. E. Stanhope). In his opinion, no Bill had ever been brought before the House which was of greater importance than the present one, because it dealt with every river in England and taxed every acre of land under the name of lowlands, middlelands, or uplands. He did not say that many of their rivers were not in a bad state and did not require improvement. They had got into that state, in a great degree, in consequence of a falling off in the navigation, and through there being no funds to carry out the works which the Navigation Commissioners in former times executed. No doubt, some great Corporation should be established to execute such work; but he greatly questioned whether a skeleton Bill like that, to be carried out by means of Provisional Orders, was the best way of effecting the object in view. They ought to have the question thoroughly sifted by a Committee, and a measure brought down to them in a shape in which it could be accepted. Those who were liable to be taxed under the Bill should be allowed to state their case before the Committee. The great level of fens had been, in fact, created by the owners at great cost. They covered about 500,000 acres; but for these works these acres would have been covered with water. Was it just that these works should be handed over to a new body, or that the owners should should be taxed to clean out rivers? Then, again, the uplands were not affected in any way by drainage and would not be benefited in any degree by an alteration of rivers, and yet they would be taxed under the Bill without the power of protecting themselves.

MR. MAGNIAC said, he felt certain that the only satisfactory way of framing a Bill which would meet all the circumstances of the case would be to proceed on the lines indicated by the President of the Local Government Board.

Question put.

The House *divided*:—Ayes 63; Noes 116: Majority 53.—(Div. List, No. 238.)

MR. MAGNIAC said, he begged to move that the River Floods Prevention Bill be referred to the same Committee.

Motion made, and Question proposed, "That the River Floods Prevention Bill be referred to the Select Committee."—(*Mr. Magniac.*)

LORD RANDOLPH CHURCHILL wished to be informed by the right hon. Gentleman in the Chair whether it was competent for the hon. Member, without Notice, to make a Motion of that kind?

MR. SPEAKER said, that the House had already ordered that the Rivers Conservancy and Floods Prevention Bill should be referred to a Select Committee, and the Motion of the hon. Member being simply that the River Floods Prevention Bill be referred to that Committee, it was competent for him to make that Motion without Notice.

Motion *agreed to.*

Ordered, That the River Flood Prevention Bill be referred to the Select Committee.

Ordered, That all Petitions for or against the Bills be referred to the said Select Committee.—(*Mr. Hibbert.*)

NEWSPAPERS (LAW OF LIBEL) BILL.

(*Mr. Hutchinson, Mr. Gregory, Mr. Edward Leatham, Mr. Samuel Morley.*)

[BILL 5.] CONSIDERATION.

Bill, as amended, *considered.*

MR. WARTON said, that frequently *ex parte* damaging statements were made by a certain class of solicitors before magistrates in the City, the object of those who made the applications very often being merely to damage the character of some trade rival by having the statements laid before the magistrate reported in the Press. It seemed to him that reports of such applications ought not to be protected under the Bill.

And it being ten minutes before Seven of the clock, Further Proceeding on Consideration of the Bill, as amended, stood adjourned till *To-morrow.*

The House suspended its Sitting at five minutes before Seven of the clock.

The House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

LAND LAW (ENGLAND)—LAW OF ENTAIL.—RESOLUTION.

MR. W. FOWLER, on rising to call the attention of the House to the state of the Law as to the settlement of Lands, with special reference to the permission and perpetuation of ownerships for life; and to move—

> "That, in the opinion of this House, the law permitting the creation and perpetuation of life estates in land has caused great injury to all classes of the people, and specially to owners and occupiers of land and the labourers employed in its cultivation, and that such a change in the Law is imperatively required as shall prevent (with very slight exception) the creation of such estates, and shall secure a real and competent ownership, and a complete freedom, in the buying and selling of land throughout the Country,"

said, the present position of agriculture was in a large measure due to bad seasons, and, in some measure, at any rate, due to wrong laws. There was a third question in regard to agriculture which could not be forgotten, and that was the amazing amount of foreign competition, which had so rapidly developed during the last few years. As regarded himself, however, he entirely set aside the question of foreign competition and bad seasons. The question had been discussed when the seasons were good, and when foreign competition was not nearly so severe, and it had the same amount of interest then as it had now. For instance, he did not think there was a more favourable season than that of 1871, and the question was discussed then, and acknowledged to be in need of a remedy; and in September of the same year, Lords Derby and Leicester made the remarkable statement that, were our cultivation what it should be, we could double the gross produce of our soil. Therefore, it was clear that complaint was made of defective cultivation long before our present difficulties arose. Bad seasons only brought up the defects of the law. It must, however, be plain to anyone who considered the question that foreign competition afforded a strong reason for removing all hindrances and restrictions in regard to the letting of land in this country. There could be no doubt as to the danger of foreign competition with home producers when it was remembered the imports in corn and similar products from America amounted to about £62,000,000, and of cattle, butter, and cheese, &c. to about £50,000,000, making altogether £112,000,000 imported into this country in one year. They were therefore in this position—of not merely importing half our wheat and corn, but absolutely importing half the agricultural produce that we consumed. That could not be said to be a satisfactory state of things, and could not be looked upon with satisfaction, for it was clearly our duty to get as much as was possible out of our own soil. There were several reasons, apart from any question bearing directly on the Land Laws, which bore upon this point, and these had been stated at some length by Sir Edward Sullivan in his paper on joint-stock farming, where he calculated that from the absence of one simple expedient—the use of covered yards—the English farmers incurred a loss in manures which was to be reckoned by millions—he thought he put it at £40,000,000 a-year; and by Mr. Caird, a most competent witness. But it might be said that farming would not pay even if the farmer expended capital and skill on his land. Well, he had a letter from Mr. Prout, one of the most able and intelligent of modern farmers, in which he said that, taking from the year 1868 to the year 1878, during which period there were several bad seasons, the average price on the whole farm was £10 16*s.* 9*d.* per acre, while the expense was about £8 per acre, leaving a net profit of over £2 an acre. He was, however, willing to admit that recent times had been very adverse to the farmer; but all the more important was it, then, that the laws should not be adverse as well as the seasons—that good laws should counteract the adverse influence of bad seasons. He had always thought that the grand remedy for the present state of things was freedom for the owner and freedom for the occupier. The question might be divided into the two heads of occupiers and owners. He should not refer to the former to-night. They had lately discussed compensation for improvements, on the Motion of the hon. Member for Mid Lincolnshire (Mr. Chaplin); and they had passed a Resolution, without a division, condemning the Law of Distress. Sooner or later, they would have to deal with local taxation, though, if he was not mistaken, farmers would be disappointed if they expect to obtain any very important relief by any change in that direction; but as to the system of perpetuation of life ownership in the land, he thought the defect of the law as regarded that matter might be considered in three points of view—first, as to the owners of the land for the time being; secondly, as to the future owner; and, thirdly, as to the cultivator. As to the owner of a life estate, it was obvious that he was in a very awkward position unless he were a man of wealth. But, taking the ordinary life owner, his position was a very difficult one. However burdened he might be by the acts of his ancestors or by his own, he could not sell an acre of the land. The law prevented the natural dispersion of the land which would enable a man in that position to sell his land in order to pay his debts. Moreover, tenant for life had not only to bear the interests on old charges and jointures and the like, but also all reductions of rents arising from bad times. The charges were fixed, but the rents fell. But even if a man had some means to spare for the improvement of his estate, honesty often forbad him from doing it. It was impossible that an ordinary life owner could improve his estate, not for want of means to do so, but because he was bound in honesty to make provision for his younger children. He had thus not only to leave cottages unrepaired and farms unimproved, but in too many cases he had very little indeed to live on himself. The law ought to step in and relieve a man in such a position. He knew one case of a nobleman, formerly in that House, who asserted boldly that he was worse off now than when he was a younger son, and he owned some 40,000 or 50,000 acres; and he could point to another who had £12,000 a-year and had only £4,000 a-year to deal with. Wherever they went they heard of like cases. Let them take the case of a man of £6,000 or £7,000 a-year in land, and as many children as thousands. [*Laughter.*] Well, he was glad he had said something to enliven a dull discussion; but they knew what he meant. ["No, no!"] What he meant to say was, let them take the case of a man with £6,000 or £7,000 a-year, who had six or seven children; and he asked would not that man have a great difficulty in providing for his younger children and making ends meet? There was another man who was far more considered than the man in possession — namely, the heir-at-law, the remainder man, for whom everything was arranged. In reading the evidence given before the Committee of the House of Lords in 1873, nothing was more remarkable than the anxiety about the future owner. The man in possession was little thought of as compared with the man who was to follow. But he said that he, too, was injured by the present system. Many a man was ruined for life by the consciousness that whatever he did he had a large estate coming to him, for that knowledge too often made a young man extravagant and careless to his duties. The management of land was a difficult and complicated business, one to which a person should be brought up; but, as a rule, the heir-at-law was not trained to it, and, therefore, whether as regarded the owner for life or the remainder man, the present system was a bad one. And what, after all, was the benefit claimed for it? It was this, that it kept the land in one family —the tenant for life might be ruined, but the land remained. Well, he did not say a word against the maintenance of great families; but if they could only maintain them by the maintenance of bad laws, then it was time that great families should be left to take care of themselves, and that good laws should be provided for the country. He wished now to refer to the effects of our system as to the public. It was perfectly clear that under the existing law a great deal of land was kept out of the market which would otherwise find its way into it. Land was treated as a luxury, and not as an article of commerce, and why should it be so? Why should it not be treated as any other article? Why should not the forces of dispersion and accumulation have their natural course with land? It would be deemed ridiculous and absurd to treat any other article as we treated land. One of the great obstacles to the transfer of land was the expense of titles, and, according to all the evidence, the greatest cause of all that was the settlement of land with elaborate deeds and wills, and the continuous creation of life estates with charges and jointures. These were the great causes of the complication of titles, which led to that expense which was the great obstacle to the transfer of land. By way of contrast, he would mention what was stated before the Committee on Registration in 1878. It being stated that the power of settlement existed in Australia, a witness was asked what proportion of Australian land would be settled, and he replied—"Not one-thousandth part." Of course, there was no difficulty about the transfer of land when there was only fee simple ownership; with that we could have registration quite easy. But if we continued our elaborate and costly system, we should never have registration and easy transfer. Another result of our system was that land was unquestionably retained in the hands of embarrassed owners. Whenever he made inquiries in a district with which he was not personally acquainted he always found flagrant examples of this evil. The other day he met with an instance in which, with an income of £35,000 a-year—the owner did not reside on the estate—the family mansion and everything else were going to ruin, and for 40 years nothing had been done by the owner to improve the land. This condition of things existed on large estates as well as small ones. If we could get the aggregate acreage of all the small estates in this condition the total area would be enormous; but, unfortunately, there were no statistics. But what might have been the diffusion of land if there had been real freedom for the past 200 years! Would there in that case have been 9,000,000 acres in the hands of 847 men? Many of the difficulties of Ireland would have been settled long ago if there had been free sale for 200 years. He feared also that besides the economical evils arising from great accumulations of land in one hand, such accumulations tended to an emulation in extravagance. Smaller men emulated the great men, and so an evil tendency was set up. And now he wished to refer to some actual instances which illustrated what he had said. He had never said a word against large estates as such; he did not care how much land was held by first-class owners like the Duke of Bedford and Lord Overstone, who took the utmost interest and pains in improving their lands. What he objected to was land being in the hands of men who were incompetent to do justice to it, and being kept by law in their hands against the natural forces which would take it from them. In the remarkable book by Mr. Kay on *Free Trade in Land* a case was mentioned in which a large estate was subject to stagnation for 40 years through the impossibility of selling any portion of it. There was another remarkable case. Lord Carrington, in the remarkable speech he made at the audit dinner of his tenants in October last, said—

> "The largest landowner in England and Scotland has a total of 1,358,548 acres. I see no harm in that; there is no reason why he should not own 2,000,000 acres; but what I do think wrong is that a landowner should either by his own act, or by the deed of his predecessors, be saddled with an enormous tract of country, of which it is impossible for him to get rid of a square yard, however necessary, however beneficial the sale of a small portion of it would be to the country, the estate, to his tenants, or to himself. I will try to show what the consequence is. In the North of the country I have two strong clay farms on my hands; one I cannot get a bid for, nobody will cultivate it at any rent. I say to my agent, 'What am I to do?' He answers, 'the buildings must be rebuilt, the worst land laid down in grass, the land drained, and cleansed, and in two years you may get a tenant.' Very good, but all this ought to have been done years ago and the tenant would have been saved, and the land would never have got into so miserable a condition. But the same millstone is round my neck which hampered my father, which I must wear till my death, and my brothers as well, if they succeed me, and the land is not free till after our deaths, or the 21st birthday of an unborn heir. As tenant for life, I hoped against hope, trusted to the good season of 1879 to put things right. That failed, the tenant is ruined, and the land starved. It is a small matter, one farm in hand, you will say. But look around us. I hear of a proprietor with 4,000 acres on his hands, a Berkshire landowner with 13 farms, and land thrown up in all directions. People would improve their properties if they could, but the majority cannot, as is shown by the Committee of the House of Lords."

And in the same speech Lord Carrington said—

> "Following the advice of my best friends' during my father's lifetime, being 22 years of age, I re-entailed the estate. The re-entail was drawn up by one of the first firms of solicitors in England, in the manner which they considered most advantageous to the estate and to me, the tenant for life. I inherited 11 years ago property in Bucks, in Lincolnshire, and in Wales. I found property had been bought in this county, and to pay for that property the Welsh estate had to be sold, and the money reinvested in the land purchased in Bucks. The farm buildings were so bad on the Welsh property that it was calculated that the purchaser would have to spend one whole year's rental on them to put them in decent repair. Mind, I do not blame my father for this; far, very far, from that; but I do blame, and I think justly, the strictness of the entail and the law which prevented him being able to put and keep the buildings in such a condition as to enable the tenants to do justice to themselves and the land by which they got their living."

He would give only one more illustration—he referred to the condition of the cottages of labourers. A consequence of the difficulties in which life owners were placed was that they could do nothing to improve the condition of labourers' cottages, which, speaking generally, was deplorable. They all admitted that nothing was more important than having good cottages; and yet, if they read the Reports of the Commission as to the state of women and children employed in agriculture, they would find extraordinary statements as to the condition of the cottages throughout England. The Bishop of Manchester went over 300 parishes in four of the finest counties in England, and he could only remember two parishes where the cottages were good. Mr. Portman made a similar statement with regard to Cambridgeshire and Oxfordshire, and Mr. Stanhope and Mr. Culley as to other parts of the country. What, however, he considered more important to his point was that the Commissioners stated that they considered the main cause of this the position of the life tenant. For instance, Mr. Culley said—

> "What can the poor life tenant, especially if his estate be burdened, do towards providing good cottages for his labourers? Nine times out of ten he strives to do his duty, and suffers fully as much as the ill-housed labourers on his estate."

Mr. Portman strongly confirmed this view. Could anything be a greater disgrace to this country, so enormously wealthy, as that these long generations should pass, and at the end of it all they should find that, notwithstanding their great estates, great counties, and splendid domains, there was an almost general bad condition of the cottages of the poor? Now, he thought he had shown that their present system of continuous life ownership was bad for owners and for the public. The facts were, he thought, indisputable. Various Acts had been passed to enable life tenants to borrow money to improve their estates; but, owing to the expense of applying the law, and the disinclination to obtain the consent of Commissioners or of the Court of Chancery, very few owners had availed themselves of these Acts, and they had been practically inoperative. Things were even worse now than in 1873. The whole system had broken down because the farmer could not pay additional interest in consideration of improvements. When they wanted more capital laid out on the land, the system became a dead letter. With regard to the remedies for the evils he had adverted to, one of the most important was to forbid all settlements on unborn children. He believed that would have no effect at all, for the family lawyer would be one too many for them, because he would simply wait till the son was born, and not draw up the settlement at the time of marriage. A more drastic remedy than that was wanted. In his opinion, there should be for the future fee-simple ownerships, with only two single exceptions—they should allow a man to leave his widow a life interest in any part of the estate, and also a life estate to a minor, so as to let the land go over from one son to another, in case of death during minority. The effect of that would be good to all concerned and to the public. There would then be simple titles and free sale. But certain objections were made to this change. One was that a man would not be able to do what he liked with his own. The answer to that objection was this—he would increase the freedom of every man while he lived, and would restrict him only when he died. Then he would have to leave the land as he held it. Why should a man dictate to the world 50 or 60 years after he was dead? Without taking away a man's freedom, he would lessen his power to diminish the freedom of coming generations. But it was further said—You do not propose to take away the powers of settling personal estate; why, then, interfere with the settlement of land? The answer was obvious. You could not affect personal estate by settlement. Nothing depended upon ownership in the case of personal estate; but as to land, everything depended on the character of the ownership. You could not lessen the value of Consols whatever you did with them; but the value of land depended on the way in which you treated it. The Committee of the House of Lords said, as another objection, that if a man could not settle his land he would have no way of showing "solicitude for descendants"—that he would not care to be an improver, if he could not settle the land as improved. It seemed to him (Mr. W. Fowler), on the other hand, that they all had that solicitude without any reference to their power of selling their property. Men need not show their solicitude by leaving their children less free than they themselves were. Another common argument was why, when they allowed personal estate to be settled, should they interfere with reality? But he thought the answer was very simple and obvious indeed. As regarded personal estate, whether in railway shares or Consols, it did not matter who the owner was, inasmuch as you could not make it more or less by ownership. But as regarded land, everything depended on who the owner was. As to the view that so long as they allowed a man to borrow upon land no change would do any good, he held, on the contrary, that a man ought to be able to borrow upon land, just as he could upon any other property, because it enabled him to improve his land. But it was said that the habits and feelings of the nation were against this change; he, on the other hand, believed the habits and feelings of the nation were becoming favourable to the freedom of the land. But it was said with entire freedom we should have bigger estates than at present. He believed there would be a rapid diffusion of land among the people; there would be fewer large estates, and more moderate estates. The real objection to the change was the Peerage and great families. He thought they might very well leave the Peerage and great families to protect themselves. They could best do this by greater prudence in the management of their affairs; and thus they would greatly benefit the public. At any rate, he objected to have the tenure of all the land of England moulded to suit their ideas. If they must have a law specially for the nobility, it seemed to him more logical and sensible to have a law like that which obtained in France—one for the nobility and another for the commoner—rather than to have the whole law moulded because of the family condition of a mere fraction of the people. What were the 500 Peers to the great millions of the people? The same argument applied to the great families. It seemed to him this whole system placed the family before the nation. It was their duty, as Members of this House, to put the nation before the family. By considering what was good for the nation they would really consult the power and interest of the family. Before he concluded he must refer to a Bill which had come down from the other House with the sanction of the name of the ex-Lord Chancellor. It must be received with great respect; but he confessed he considered it a most imperfect remedy. But it showed how unsatisfactory even that distinguished Nobleman, so remarkable for his ability as well as his Conservative opinions, thought the present law was, and how necessary that a material change should be made. When they came to analyze the Bill they would find that it really offered no remedy, for it merely amounted to this—the tenant for life should have power to sell, but not to touch a penny of the money, which must all go back to the settlement and to the same uses as those which affected the land sold. The Bill, no doubt, was well-intended; it might make the thing look more tolerable, but would not mend the matter. No good could be done without courage. There must be a thorough remedy; the law must be fundamentally changed, or it might be as well to leave things as they were. He thought he had proved his case and shown the necessity for a change. Apart from foreign competition, and long before the bad seasons, the state of agriculture was extremely unsatisfactory, he believed mainly by reason of our old-fashioned laws in regard to the ownership of land. If they had competent owners over the whole area of England, they would soon see a very great change in the condition of agriculture. The condition of Ireland might be alarming; but this question was just as important as the condition of Ireland. If it was true, as Lord Derby said, that the land of England ought to produce double what it now produced, they were losing more than £200,000,000 a-year by bad cultivation. It was for the House to consider whether what he had stated had anything to do with that bad cultivation, and therefore it was that he asked the House to pass the Motion which he now begged to move.

Mr. B. T. WILLIAMS said, that, in seconding the Motion of the hon. Member for Cambridge, it would not be necessary for him to add anything to the exhaustive speech they had just listened to. Under the present system of family settlements, the nominal owners of life estates, who had to pay jointures and the interest on the mortgage debts of previous generations, had also imposed on them the duty of providing for their daughters and their younger children. They could only do that by putting themselves in the position of insolvent owners; they were obliged to exact the greatest amount of rent, and they could not assist their tenants, or advance a farthing for the improvement of their estates. Those settlements not only checked the investment of money in the proper cultivation of the land, but prevented the sale of the land when it was the interest of all parties concerned that a sale should take place. There was a desire in the country that that subject should receive the attention of Parliament. The people of England and of Wales expected a Land Bill from the present Government; and although they had no wish to import into this country the peculiar features of land tenure in Ireland, or to cut up the land into allotments and parcels, which would not afford full scope for the energy and enterprise of the English farmers, still they desired a change which would give them a security for the investment of their money in the cultivation of land, and which would remove all the obstacles that were calculated to prevent the land from becoming the subject of free sale among themselves.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the Law permitting the creation and perpetuation of life estates in land has caused great injury to all classes of the people, and specially to owners and occupiers of land and the labourers employed in its cultivation, and that such a change in the Law is imperatively required as shall prevent (with very slight exception) the creation of such estates, and shall secure a real and competent ownership, and a complete freedom in the buying and selling of land throughout the Country,"—(*Mr. William Fowler,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. T. COLLINS said, that although they had had a very interesting speech from the hon. Member for Cambridge (Mr. W. Fowler), which he believed had also been made in previous Parliaments, he did not think that the hon. Gentleman had made out his point. There might be reasons, based upon social grounds, why they should alter the law on that subject; but the hon. Member had not in any way established his proposition that the present law was specially injurious either to the occupiers or to the labourers engaged in agriculture. The hon. Gentleman had stated, and stated truly, that something like one-third of the food of the people of this country was imported from abroad, and that that quantity was increasing year by year in comparison with our home-grown produce. But that must necessarily be the case, because our population was increasing decade by decade; therefore, as long as our trade existed, and we could have the population of our large towns producing goods for export to other countries, we must have a greater proportion of our people dependent for their food on foreign supplies. Nor could he say that that was in itself an undesirable state of things. He wished that foreign countries would adopt Free Trade, as we ourselves had done; and if they could have Free Trade prevailing throughout the world, there was no reason why they should not have a much larger number of the people of these Islands than they had now not employed in agriculture, but employed in manufactures to supply the wants of the whole world. The hon. Member for Cambridge had quoted Lord Derby, who was not a practical farmer; and although Lord Derby had once not very wisely stated that the soil of this country was capable of producing twice the amount of its present produce, they should listen to him on questions of politics, but on farming he was no authority in that House. Now, the law of England in relation to settlements was almost identical with regard to land and with regard to money, and if the House affirmed the proposition of the hon. Member in reference to settlements of land, it ought to affirm it in reference to settlements of money. He himself knew something about land and its cultivation, and he did not believe that one farmer in 50, or one labourer in 1,000, knew, as a matter of fact, whether the land he occupied and tilled was held by the owner as tenant for life, or as tenant in fee. In the case of large estates, of course, it was a matter of notoriety. He did not think a farmer in this country curiously inquired whether an owner of land was owner in fee or owner for life. A great part of the land in this country, rightly or wrongly, was held under tenancies from year to year, and not under the system of leases. When farmers were about to take farms they did not inquire into the nature of the ownership which the landlord had in property; but whether A or B was deemed to be a bad landlord, and whether they were likely to be rack-rented. If landlords asked their tenants whether they would take a lease for 10 or 15 years, or go on as before, the great bulk of the tenants — he spoke only of the tenants in his own neighbourhood—not one in 50 would take a lease. They might take a 30 years' lease, but not one for 14 or 18 years. They knew that at times they might in the one case get a reduction of rent, and that in the other case they could not. He did not believe it would be desirable on social grounds to alter the power which now existed with reference to the devolution of land and money. He did not think his hon. Friend had made out his case that the alterations he suggested would have much effect upon the occupiers of land, and certainly it would have no effect upon labourers. His hon. Friend had stated a good deal about encumbered property. The worst farms in his own neighbourhood were farms in the hands of small proprietors, who clung to them with great tenacity. Those farms were mortgaged up to the hilt; therefore, a person who owned a small property, worth £50 or £150 a-year, was borrowing money at £4 or £5 per cent, and thus rented his land at a much higher rate than if it were let to a tenant. He was practically the tenant of a banker or a mortgagee. The buildings on small estates were in a far more dilapidated state than the buildings on the property of a neighbouring squire. It must necessarily be so, because the owners of the small estates were practically not the owners. He hoped the House would not consent to the Motion in its present crude shape. He thought the Bill of Lord Cairns, which his hon. Friend spoke of rather slightingly, would work very beneficially, because wherever property was encumbered, the debts might be cleared off by a sale of part of the estate. He was opposed to any alteration with reference to the settlement of land which would not equally apply to the settlement of money.

Mr. GLADSTONE: Sir, I will not attempt to traverse the wide field opened up by the hon. Member for Cambridge (Mr. W. Fowler.) I think, however, the speech which we have just heard from the hon. Member for Knaresborough (Mr. T. Collins) is, in some degree, a sign of the times, because the hon. Member is disposed to make admissions that there might be strong reasons—though he did not think the proposition before House is proved—social and political, for a great change in the law with reference to land. I do not agree with the rather disparaging remarks in which he spoke of the speech of my hon. Friend the Member for Cambridge, which appeared to me a speech of great interest, and by no means deficient in originality. With respect to originality, I think it would be a bad sign, indeed, if everything that were said on a subject of this kind had to be altogether new. It is necessary to go back to the fountain-head of truth, and bring out matter which, although it may have been previously produced, has yet not obtained its full currency, nor the full command over the public mind; and in the mode of presenting his contribution, and the many collateral considerations which it opened up, I must say that the hon. Member for Cambridge conferred a service upon us by the able address he delivered. I said that a still wider field is really opened by this subject, because I believe we all feel—certainly many of us feel—that this question of life estate is one upon which really hang a number of other very great questions of vital interest to landed proprietors, and of vital interest, through them, to the public—such as the great questions of the transfer of land, and the whole system by which a person who possesses land may borrow upon his land, just as other possessors of property may borrow upon their property—which questions, when they come to be dealt with by Parliament, may lead to fundamental alterations in our law of landed property. All these questions are of the greatest importance; and there is one observation which, although it is no part of my business to attempt any full discussion of the subject to-night, lies at the very root and threshold of this subject. Do not let it be supposed that this is a question of hostility to the owners of land. Whatever system gives the greatest freedom to the descent of land, to the transfer of land, to the holding of land, and to raising money upon land, is the system that will be far the best for the interest of the owners of the land, and for the interest of the entire public. I do not deny that there are difficult questions connected with this subject. The legal aspects themselves are difficult. There are difficulties as to the economical aspects, on which I agree with my hon. Friend, that much economical loss attends the present limitations upon ownership, and devolution, and transfer of land; and as to the domestic and social aspects, on which I confess that I have a very strong opinion, I believe that nothing can be more mischievous than the present system of settlement and entail, and that nothing would more tend to the moral strength of the aristocracy of this country than a great and fundamental change. I must say I agree with the hon. Member for Cambridge (Mr. W. Fowler) that in small changes there is very little advantage; that this is a subject which, when Parliament proceeds to deal with it, should be dealt with broadly. I am not able, I confess, to feel very great enthusiasm for the Bills of Lord Cairns. I am not able to follow the reasoning that led to the introduction of those Bills. In the first place, I do not understand those Bills—although, of course, it is not for me to be an expounder of Conservative principles. I must confess, however, that I do not quite comprehend how those who support Conservative principles can approve the extraordinary liberties which, under Lord Cairns' Bills, the tenant for life would be able to take with the interests of the remainder-man. My hon. Friend the Member for Cambridge, I think, did very wisely in opening this subject with a reference to the important question of foreign competition. We are not, I think, to take, under any circumstances, a desponding view of the prospects of British agriculture. But, at the same time, it is right, I think, that we should lay to heart this fact, that in dealing with American competition we are dealing with something that is different from any competition we have ever had to deal with yet. Not different absolutely in kind, yet so different in circumstances that we should commit a serious error if we thought that this competition is as comparatively transitory as was the competition with the wheat of the Baltic or of the Black Sea. Many circumstances which give this exceptional character to the growth of agricultural products in America are constantly in the public view; but there is one which I do not think is so often mentioned as it deserves to be. America is a country which is almost or altogether distinguished from all other countries of the world in this respect, that, with unbounded command of natural resources, she has united most severe discipline for producers. By that I mean that the scarcity of labour, and its exceptionally high price in America, has driven that people, beyond every other people on the face of the earth, upon the multiplication of labour-saving contrivances, and that at this moment the American farmer is far more economically efficient in the command and application of labour-saving contrivances than the farmers of old countries, and notably of our own country. By a combination of great fertility of soil, which the farmer has merely to scratch in order to secure a crop, and the great economy of human labour, aided by great ingenuity in the employment of machinery, and of cheap and useful contrivances for the saving of human labour, there has resulted an extraordinary advantage to America, the effects of which, when competing with ourselves, have not even yet been fully felt. My hon. Friend is in some respect, perhaps, more sanguine than I am myself as to the consequences of his Motion, for I own I am by no means convinced that any very great or very general dispersion of landed properties would follow the abolition of life estate in this country. I believe that the economical circumstances and laws of the country, and the laws which govern in that respect the rapid creation of large fortunes, the social distinction attached to the possession of land, the constant pressure and competition amongst possessors of large new fortunes to take rank with the possessors of old fortunes —that is, the landed proprietors of the country — will always induce a very large body of purchasers to give for land prices far higher than it is worth as an economical product, and will, therefore, keep together, in the main, the large estates of this country. No doubt, there are particular sets of circumstances where we have constantly at work very healthful agencies in this matter. For example, every flourishing town in this country where men of the middle class are continually acquiring property is a centre from which there are men why buy their 50, or 100, or 200 acres, partly for residential purposes, partly for agricultural purposes; and considerable breaking up of landed properties goes on from that cause alone. I believe that after the experience we have had in commercial legislation, we may come, perhaps, with some safety to two conclusions—first of all, that it is impossible to forecast with any precision or minuteness what the results of the change recommended in the Motion would be; but, on the other hand, that the virtue of freedom has proved itself to be so great when applied to the subjects in which human enterprize develops itself, that we are justified to expect much from the removal of the fetters that now attach to the ownership and to the incidence of landed property. My hon. Friend asks us to affirm a Resolution, the main effect of which is to condemn the life estate in land. He does, indeed, say that he proposes to leave a very limited field of exception. I do not think, if I followed him with accuracy, that he distinctly explained to us what these exceptions would be. [Mr. W. FOWLER: For widows and minors.] That does not seriously interfere with what I was about to say. The Resolution is a Resolution against life estates in land. In the main, I must own I am prepared individually to go with my hon. Friend. For reasons which it would be out of place to enter upon at full length, I have arrived at the conclusion that that proposition is a wise one; and I agree with my hon. Friend in thinking that there are undoubtedly some difficulties connected with the constitution of the other House of Parliament which must be looked in the face when we come to face this question. I do not know how to resist the proposition of my hon. Friend, which is this—that if it be true that with a view to the maintenance of a hereditary Chamber it was necessary that the system of settlement and entail should continue substantially as it is, yet that can be no good reason for maintaining the system of entail and settlement all over the country. That appears to me undeniable. I am not able to accede to the doctrine of the perfect parallelism between landed and personal property. In the first place, I do not believe that the system of settlement ever will prevail, with regard to personal property, to the same extent to which it now applies to land; and, even if it did, it is a totally different matter. The hand of Providence has placed a limitation upon the stock of land in the country that has not been placed upon the stock of personal property, and the interest of the people in the land of the country is entirely distinct from, and far greater and deeper than, the interest they possess in any part of its personal property. My hon. Friend will ask—"With these views, what do you say to my Motion considered as a proposition addressed to the House of Commons?" Well, I hope that he has proposed this Motion rather for the sake of helping onwards the public mind in the consideration of a very wide and difficult question than for the sake of eliciting a judgment from the House of Commons, for which, probably, it is not yet altogether prepared. At any rate, I wish to explain that what I have said has been in my individual capacity. I do not think it is generally desirable that Governments should announce, or even affirm, fixed and irrevocable conclusions upon matters of public policy and legislation until the time is at hand when they can act upon those conclusions. I should think it a most dangerous proposition to lay down, and a most dangerous practice to adopt, if Governments were encouraged or permitted to deal in loose and vague promises of what they will do at some future period, and thereby to earn, or endeavour to earn, some favour and popularity attaching to these plans, without having to confront and to deal with the practical difficulties that must be met in giving them effect. We have not made this Bill a subject, and we have not thought it our duty to make it a matter of practical consideration, as we should have done had it been one pressing for immediate settlement. I need not tell my hon. Friend that we have had to deal since the time that we took Office with quite a sufficient number of grave matters demanding the best resources and faculties of mind that we could apply to them; and I hope that when we do approach the consideration of this question also, we shall approach it in a spirit which will be liberal, impartial, and fearless. At the same time, I could not venture to say, and I am very far indeed from desiring to convey any unfavourable impression in regard to the convictions of anyone. Yet I must hold the Cabinet free to form its own opinion on this subject. My own feelings I do not think are likely to be changed, and substantially they are in accordance with what has been propounded by my hon. Friend. That being so, I should be sorry if we are driven to vote on this subject, which might be misunderstood to imply some disinclination to make changes in the law of devolution of land. I hope, therefore, my hon. Friend will not seek to put the House in that position. I think it will not be for the interest of the cause he has taken in hand if he should seek to place it in that position. There are, no doubt, matters which undoubtedly are of great difficulty to be faced, and, no doubt, my hon. Friend knows there are many persons the sincerity of whose political concurrence with himself—of political orthodoxy, if

I may so say—could not be questioned, and who are not prepared to accompany him the whole length of the journey that he himself has performed; and it would be a great pity if there was to be recorded against him a vote against any interference with this subject. For my own part, it would be my duty, with no ill-will towards his general views, but, on the contrary, with convictions founded upon reasons that I think are strong and deep, not to join in any merely abstract declaration of policy on this subject. I wish to make no declaration binding in form upon it till the time comes, if the time does come—it would be daring to say it will come, but for some of us I hope it will come soon—when there will be an opportunity and possibility of giving effect to that which is proposed. In the meantime, I, for one, sincerely thank my hon. Friend for the Motion he has made and the speech he delivered. I think there was nothing in it to excite what may be called Party or sectarian feeling in this House, but that it was made with no other view than that of promoting the interest of the entire country and the interest, I will venture to add, of all classes of the country. I believe the more feeedom we have in our land system the better it will be for all, and the better any beneficial changes will be for those who are the owners of land. I hope, having given this opportunity of free and open discussion, my hon. Friend will not be disposed to press the House to adopt the Resolution, inasmuch as, even if it were adopted, there is no present opportunity of acting upon it.

MR. GREGORY said, he agreed with the right hon. Gentleman who had just addressed the House that the question was one of great importance, for he could say, as matter of personal experience, that under the present circumstances of the law there was a large number of estates in this country which could not find purchasers. Under the existing law a tenant for life who found himself embarrassed by the encumbrances on the estate not of his own creation, and who could not, therefore, effect improvements, could apply to the Court of Chancery for relief, and, if a proper case was made out, relief would be afforded to him. The Bill, too, recently introduced by Lord Cairns extended the present system and would enable an owner for life to advance money for the necessary improvements, and to charge it on the inheritance. He could not see that there was any objection to settle estates if power were given to the limited owner to sell when necessary, with the condition that the purchase money should be applied to the trusts of the settlement. He believed that if the Bill of Lord Cairns were adopted, every improvement that was required could be carried out by the tenant for life.

MR. ARTHUR ARNOLD said, he knew that the hon. Member for Sussex (Mr. Gregory) had a deep admiration for a good settlement. He agreed with the statement of the hon. Member that large estates were generally well cultivated. The hon. Member admitted that there was a wide extent of land in the market, and spoke of the parcels that were in hand. The hon. Member could not doubt that the Law of Settlement was an obstacle to transfer, and that land would pass out of his hands at a higher price if the law were reformed. There was no doubt that the present depression in agriculture, and the want of confidence that prevailed on the part of owners and occupiers of land, was mainly due to American competition. Corn could be carried from New York to Liverpool at a smaller price than it could be carried from Lincoln to London. In that fact alone there was matter for very careful consideration. We had arrived at this point, that a year's supply of food for a man could be carried from Chicago to Liverpool for 10*s*. He had heard statements made as to the advantages that would be derived from the introduction of implements such as Darby's Digger; but these machines would be of far greater advantage to the farmers of the prairies. The evidence of experts given to the Duke of Richmond's Commission showed that out of 17,000,000 acres in England and Wales which needed land drainage only 3,000,000 had been drained. It could not be contended that our system of limited ownership had been productive of rapid improvement in the soil.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Eleven o'clock till Monday next.

HOUSE OF LORDS,

Monday, 13*th June*, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Lunacy Districts (Scotland) * (108); Land Tax Commissioners' Names * (109); Local Government (Ireland) Provisional Orders (Ballymena, &c.) * (110); Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.) * (111); Local Government Provisional Orders (Cottingham, &c.) * (112).

Second Reading — Land Drainage Provisional Orders * (104); Local Government (Ireland) Provisional Orders (Bandon, &c.) * (105); Local Government Provisional Orders (Halifax, &c.) * (106).

Committee—Report—Local Government Provisional Orders (Brentford Union, &c.) * (95).

Third Reading—Local Government Provisional Orders (Poor Law) (No. 2) * (88), and *passed.*

REPRESENTATIVE PEER FOR IRELAND.

Writs and Returns electing the Earl of Bandon a Representative Peer for Ireland in the room of the late Lord Dunboyne, deceased, with the Certificate of the Clerk of the Crown in Ireland annexed thereto: *Delivered* (on oath), and Certificate read.

TURKEY AND GREECE—THE FRONTIER.

POSTPONEMENT OF MOTION FOR PAPERS. QUESTION.

LORD STRATHEDEN AND CAMPBELL, who had a Notice on the Paper,

> "To call attention to the further correspondence on the Greek frontier; and to move for any protocol or treaty which forms the basis of the European concert alluded to in several despatches,"

said, with the permission of the House, he would postpone the Motion until Thursday.

THE EARL OF ROSEBERY said, seeing that the noble Earl the Secretary of State for Foreign Affairs was in his place, he begged to ask him, Whether all the Papers relating to the affairs of Greece had been laid upon the Table, or, if there were more to be presented, when he intended to lay them on the Table?

EARL GRANVILLE: Your Lordships are aware that a series of Papers have already been presented on this question; but some other important Papers have not been, and cannot be at present, for the simple reason that it will be necessary to communicate with foreign Governments and to obtain their permission before those Papers can be laid on the Table. I am quite ready to proceed with the discussion of the question, and am, therefore, very unwilling to interfere with the noble Lord (Lord Stratheden and Campbell), whom I do not see present, in the Motion which he has on the Paper; but, at the same time, I think there are reasons why the subject should not be discussed until the Papers to which I have referred are in the possession of your Lordships. We are now engaged in ascertaining whether foreign Governments have any objection to the presentation of those Papers. I am glad to say that I now see the noble Lord present. I was not aware that the Motion was fixed for to-night until after the House had adjourned; and it is for the noble Lord to say whether he will bring it forward to-night, or whether he will defer it until all the Papers are presented.

LORD STRATHEDEN AND CAMPBELL said, the remarks of the noble Earl opposite (Earl Granville) gave him an opportunity of repeating a statement which he had made before a much smaller number of their Lordships—namely, that he had determined to postpone his Motion until Thursday.

EARL GRANVILLE: I cannot promise that the Papers will be in the hands of your Lordships by Thursday.

LORD STRATHEDEN AND CAMPBELL said, in that case, he was willing not to bring on the Motion until some day next week.

MINISTER FOR SCOTLAND.

OBSERVATIONS. QUESTION.

THE EARL OF FIFE said, that in rising to ask the Question of which he had given Notice, he wished to say, in starting, that he claimed no novelty for the proposal to which he was about to refer, as, indeed, it was one which had been for many years continually discussed in Scotland, and he felt sure that if the Government would only seriously consider it they would see their way to carry it out eventually. He had not the presumption of wishing to pledge the Government that Session to any definite scheme for the government of Scotland. It was, no doubt, a large question, and had many bearings—legal, administrative, and financial—while they all knew that the state of Public Business was not very hopeful. But he must say that he should like to obtain from the Government an admission of the evils complained of, and would willingly leave the exact time and mode of the remedy in their hands. Up to the last Session of Parliament he had the honour and privilege of representing a Scotch constituency in the other House; and he might say, from personal experience, that there were many occasions on which the necessity was felt for the existence of some Minister, who should be other than a Law Officer, thoroughly conversant with Scotch affairs, and also with Scotch feeling and ideas. That feeling, he might say, was shared by all Scotch Representatives with whom he came into contact; and, although the necessity might not be the same in that House, yet he had had so many representations made to him on the matter that he thought he might fairly raise the question there, and, especially, at that moment, when their Lordships' time was not so much occupied. He did not wish in any way to diminish the importance of the Lord Advocate. That post had been held by most eminent men, and the Lord Advocate of the day was always one of the leading men of the Profession. But would it occur to any Englishman or Irishman to rely upon the Attorney General for England or for Ireland to undertake, over and above his legal duties and the large practice which naturally fell to his lot, the conduct of the affairs of a large and important country? Indeed, this was so much felt, that he had always found a concensus of opinion in favour of some such proposal, except among those whose minds were imbued with official tradition—leavened, perhaps, if he might be allowed to say so, by official prejudice. The Home Secretary, he believed, was responsible for the management of Scotch affairs. But anyone who was at all conversant with the working of the Home Office, and the conduct of its affairs in Parliament, must be aware that that hard-worked official hardly needed the last straw to break his back, which was afforded by all the woes and clamours of oft-complaining, but long-suffering Scotchmen. The Home Secretary could hardly be expected to be a Scotchman, or to spend much of his time in Scotland studying Scotch affairs; indeed, he could not necessarily be supposed to be even a frequent visitor to that country, except when lured by mountain breezes or the pleasures of the chase. But he (the Earl of Fife) remembered himself, and was only again told of it last week by a well-known Scotch Member, that there were always many important questions affecting Scotland, which Scotch Members of Parliament saw no chance of getting attended to in the absence of some Minister whose duty it would be to attend to them exclusively, and whose natural position would, of course, be, not in their Lordships' House, but in the other House of Parliament. He would not inflict upon their Lordships a long list of the measures, about nine in number, which had been promised; still less would he explain their provisions. All he wanted to point out was that there was no more prospect of progress being made this year than in any previous year, and that that was causing a natural feeling of disappointment to arise in Scotland which had become notorious. He might mention that that subject, along with many others, was gone into 12 years ago by a Commission, and that the whole tenour of Scotch opinion was in favour of some change in that direction, varying from the appointment of a Cabinet Minister for Scotland to that of a civil Parliamentary officer under the Home Office. The Commission in its Report even showed itself inclined to recommend the latter alternative. For his part, he (the Earl of Fife) was inclined to think the Commission presided over by his noble Friend showed a wise discretion; and that if, over and above the Lord Advocate, and without prejudice to his legal functions, they could secure a Parliamentary Under Secretary of State, whose whole time could be devoted to studying Scotch affairs and interests, and so furthering Scotch measures in the other House of Parliament, all sensible people would be satisfied. Scotchmen had no desire to grasp at the dignity of a Cabinet Minister if they could secure by other means the practical advantages which they deemed requisite. The fact of the matter was, as had been often stated, that Scotland was governed by a series of Boards located in Edinburgh, with this special feature to recommend them

—that the Lord Advocate, who had presumably to defend their policy, was not even a member of them. But in the course of the intervening 12 years various legislative enactments had taken place, which had greatly enlarged the functions of these Boards, and directed public attention more closely to them. Nor was that all. He was informed that the Lord Advocate was preparing for the information of Scotch Members of the House of Commons a sketch plan of a general measure of local government for Scotland. He wished to pay every tribute to the energy of the present Lord Advocate, and to own that there was much in his draft suggestions to arrest their attention, and possibly to command their assent. They contained the basis of large and complicated reforms, both financially and administrative, with which he would not trouble their Lordships; but many of which they would be glad, no doubt, to see matured. The very fact of a general measure of local government reform being mooted went far to prove his case, for it pointed to the reality of the needs which Scotchmen had long urged. But did anyone believe that a Law Officer was able to carry through so vast a scheme? Was it not patent that, after discussion of his admirable proposals, they would be dropped like many others, and their learned author would retire to the sanctity of what was called the "Lord Advocate's chambers," which seemed to be included in the places which were paved with good intentions? He thought that Scotchmen felt strongly that their Business was managed in a second-hand manner. If they went to the Home Secretary, they found that they must consult the Lord Advocate; and if they went to the Lord Advocate on a matter not purely legal, they felt that they were consulting an authority who must necessarily have recourse for information to other channels than those with which he was naturally familiar. If they now turned to the Sister Isle, their Lordships would find that a totally different course had been adopted there. In Ireland they had a complete paraphernalia of Government, with a whole array of functionaries, including frequently a Cabinet Minister. Scotchmen were not desirous of obtaining all that. They were only anxious for the exclusive right to the time and attention of a directly responsible Minister, instead of which their interests were now confided to a single practising Edinburgh lawyer, no doubt an eminent one, who was constituted the sole Adviser of the Home Secretary in all Scotch Business. Why was there that singular difference in the mode of governing the two Kingdoms? Surely, it was not intended to place a fine upon the law-abiding tendencies of the peaceful Scot, or to wait till he had learned to indulge in the somewhat cogent arguments of his Irish neighbour. He need hardly say that he had no wish to embarrass the Government by the question. He was anxious to draw their attention to it as one of really great practical importance, and one on which people in Scotland, and all connected with Scotch affairs, felt very strongly. This was no hobby of his, but was a change which had been demanded time out of mind by men of all Parties, and on many occasions, as he could well testify. It was a change which he ventured to say was not only demanded by the importance of the administration of the affairs of Scotland, but justified by the position and dignity of that country. The noble Earl concluded by asking Her Majesty's Government, according to Notice, Whether, considering the importance of Scotch affairs and the strong feeling entertained on the subject in Scotland, they are willing to consider the desirability of appointing a Minister for Scotland other than a law officer?

The Duke of ARGYLL: My Lords, before the Question of my noble Friend (the Earl of Fife) is answered, I would like to say one word with regard to it. My noble Friend very truly said that this is not a new subject. It has been discussed and ventilated by Scotch Members for many years, at times with considerable insistance, and at other times more languidly; and the truth is, that the matter has been generally insisted upon when there has been some great block of Business, and when, in consequence of the pressure upon the various Governments, it has been conceived in Scotland that Scotch Business was insufficiently attended to. I can fully concur in the expression of opinion of my noble Friend, that, at the present moment, there is very great discontent in Scotland with regard to the manner in which Scotch Business is conducted;

but I cannot help thinking that this discontent arises from the general block of Business in the House of Commons, of which the English people have quite as much reason to complain as the Scotch. I cannot distinctly trace it to any fault on the part of the Government, or on the part of my right hon. and learned Friend the Lord Advocate. There is, for example, one very important measure before the House of Commons, which has been prepared by the Lord Advocate—the Teinds Bill—to which I understand there has been some objection taken that it is of a sectarian character, and it has been said—but I hope it is not true—that the Lord Advocate was inclined to give way slightly with the Bill, on account of that very absurd opposition. I do not believe in the truth of that report; and if it were possible to get no other Business affecting either England or Scotland through the House of Commons, good service would be done if that Bill alone were passed this Session. I will not deny that it is rather an anomalous system of government by which the affairs of an important country are mainly conducted by the Law Adviser of the country; but when we look to the remedies that have been proposed, I confess I have very grave doubts as to the efficiency of any of them. My noble Friend has said that the feeling in Scotland was that their affairs were conducted at second hand. Well, there is this alternative—either we must have as Minister for Scotland a man who is in the Cabinet, or a man who is not in the Cabinet. I will venture to say that there will be no remedy whatever, as regards the importance given to Scotch affairs, in having any man who is not a Member of the Cabinet, because I believe that the position which the Lord Advocate has had in the Government of the country is quite as good a position as any mere Under Secretary of State would have had in that Government. The truth is that the men who have held the position of Lord Advocate have been among some of the most distinguished, not only as members of the Scotch Bar, but some of the most distinguished men in the country. In my recollection, I have seen measures of the very largest character connected with Scotland carried through both Houses of Parliament, mainly under the advice of the distinguished men who held that Office. I need not go further back than a measure which many of your Lordships will remember—the introduction of the Poor Law into Scotland. It was conducted under the Government of Sir Robert Peel, mainly by the able advice of my late noble and learned Friend, Lord Colonsay—a man whose high position in this country and whose great abilities were highly appreciated by his brother Peers. Again, I also recollect of important modifications of the Law of Entail being carried through by another most distinguished Scotchman—Lord Robertson. There are various other measures, during the last 25 or 30 years, which have been carried through Parliament; and I will venture to say that their progress was expedited and very much favoured by the fact that practically the Minister for Scotland was not only an eminent Scotchman, but a man who, being an eminent Scotchman, had an intimate knowledge of Scotch law. Now, what I want to point out to my noble Friend is this, that if we go in for having a Scotch Minister who is a Member of the Cabinet, we cannot be sure that he will be a Scotchman. We have in the Lord Advocate this great advantage, at least, that he must be a Scotchman; that he must be a member of the Scotch Bar; that he must have a thorough knowledge of the Scotch law; and that he must have an intimate knowledge of the feelings and habits of the Scotch people. We could not be sure, however, of the same advantage if the Scotch Minister is to be a Member of the Cabinet. Among the Cabinets which I recollect we have very often had very eminent Scotchmen in high places; and if we look back to the political history of this country, we shall find that in the distribution of Cabinet Offices Scotland has had no inconsiderable share. I recollect a case in which the Prime Minister was a Scotchman; I recollect another case in which a Secretary of State for Foreign Affairs was a Scotchman; I recollect another case in which the Home Office was filled by a Scotchman; and another case where the position of First Lord of the Admiralty was held by a Scotchman. I myself have had the honour to serve in some four or five Cabinets in different positions during the last 25 years. Now, looking to these facts, I cannot think that Scotland has been unfairly represented in the Cabinet Offices. I confess I cannot aspire to seek for Scotland any place designated necessarily to be a place held by a Scotch Member. Still less do I desire to see Scotland governed as Ireland has been governed of recent years through the Irish Secretary, who now generally has a seat in the Cabinet. Formerly, the Irish Secretary used not to have a seat in the Cabinet, and Ireland was governed only by the Lord Lieutenant, with the advice of the Cabinet. In recent years it has been usual to find a place in the Cabinet for the Irish Secretary, and in that manner it comes to be that Ireland is mainly governed by men who are not Irishmen, though I believe with great advantage under the peculiar circumstances of that country. But I do not think that Scotchmen would like to see Scotland governed by men who are not Scotch. Therefore, on the whole, I confess, looking on the difficulties that surround this question, feeling quite convinced that we should gain nothing by having a mere Under Secretary of State instead of the Lord Advocate, feeling that we cannot secure in the Cabinet a place that shall be exclusively our own, I can only say that I hope the Government, looking at the difficulties of the case, will be in no hurry at least to commit itself to the appointment of a Scotch Minister.

The Earl of ROSEBERY: My Lords, I only rise to trouble your Lordships, because I think the noble Duke (the Duke of Argyll) has not given a very complete account of the transactions to which he referred. It is quite true that Scotchmen have had a considerable representation in the Cabinets of this country. It is quite true also that at certain times this question has been discussed with vigour, and at other times has sunk to rest. The noble Duke himself is one of the main reasons why this question has been at rest for a considerable time. The noble Duke, as he truly said, has been a Cabinet Minister in four or five different Governments. What was the result? The Scottish nation looked to the noble Duke as Minister for Scotland. The noble Duke said he would be sorry to see an Under Secretary of State substituted for the Lord Advocate. I did not understand the noble Earl (the Earl of Fife) to say that there was any question of doing anything of the kind. What I understood the noble Earl to say was, that it was desirable that there should be an Under Secretary of State for Scotland as well as the Lord Advocate, and I do not see anything in the statement of the noble Duke which touched the statement of the noble Earl. The question is a rather larger one than it has been, perhaps, represented in this discussion. The question really appears to be this. Is the government of Scotland to be restricted to one lawyer, who might possibly not be able to obtain a seat in Parliament, and who, if he did, might just come into it, to the exclusion of the 59 other Scotch Members who might be men of great Parliamentary experience? That seems to me a very difficult question to answer. The present Prime Minister is a Scotch Member, and at this moment holds the two most important Offices in the Cabinet; but the Prime Minister is not qualified, and never could be qualified under the present system, to be Minister for Scotland. How did this very anomalous condition of things grow up? I do not wish to weary your Lordships; but the history is rather curious, and I think I can put it in two or three sentences. At the time of the Union there was no idea of any arrangement such as at present exists. There was then the whole apparatus of Government almost as it exists now, and very much, too much, indeed, of Government, instead of too little. There was a Scotch Secretary of State in the year 1707, and until 1725, when the Office fell into abeyance for six years. From 1727 to 1736, Duncan Forbes, of Culloden, who was a very considerable Scotchman and lawyer, did, no doubt, govern Scotland as Lord Advocate; but he did it under an ancestor of the noble Duke, who from the year 1725 till his death in 1743 was, under one designation or another, Prime Minister for Scotland. Besides that, from the year 1731 to the year 1746 there was a Secretary of State for Scotland. In the year 1746, immediately after the Rebellion, the Secretaryship of State for Scotland was suppressed, and then occurred a period of about 30 years in which it is rather difficult to ascertain how the government of Scotland was carried on; but it certainly was not carried on through the means of the Lord Advocate. At that time, we occasionally meet with transitory glimpses of ephemeral personages in various Offices who conducted affairs in Scotland. One, I recollect, was a brother of the Prime Minister, the Earl of Bute, who as Lord Privy Seal for Scotland did conduct these affairs. In 1775, we come to a distinct historical epoch. In that year Henry Dundas became Lord Advocate, and until 1811 ruled Scotland under one designation with an absolute rule. On his death in that year, his son succeeded to this hereditary post, and as Privy Seal conducted affairs until 1827. In that year Mr. Canning became Prime Minister, and in the ordinary course of events he proposed to "make over Scotland," as it was called, to Lord Binning, who was afterwards Lord Haddington, and who was First Lord of the Admiralty; but the Scotch were so wearied of the intolerable oppression of the half-century of Dundas rule, that, at the instance of Mr. Abercombie and others, they went to Mr. Canning and begged that this management might be cancelled, and that some responsible Minister might be found, instead of the irresponsible Governors who had for so long been in possession of affairs. Well, the appointment was cancelled. At that time there was no particular person to take up the post, and the Lord Advocate assumed many of the duties of the position. There was no question of his being the sole Minister for Scotland. There was a Scotch Lord of the Treasury, who assisted in 1831, and there were various Scotch Ministers, such as Mr. Kennedy, who was First Commissioner of Woods and Forests. Among other Cabinet Ministers there was Lord Minto, and there were in the Cabinet of Sir Robert Peel the Duke of Buccleuch and Lord Aberdeen. I do not think that, from the time of Sir Robert Peel's Government to the present time, there has ever been a Cabinet which has not contained one or two Scotchmen. As regards the question of a Scotch Cabinet Minister, it is clearly one that is quite beyond the cognizance of either House of Parliament. Cabinets must be arranged, not with a view to peculiar interests, but solely with regard to the best possible manner of carrying on the Government. But I learn from the statements of the noble Duke that there would be no objection to a Cabinet Minister, who would be a Scotchman, taking charge of Scotch affairs. I believe what Scotland wants is, that it should have some person, in a responsible position, able to look after those matters ready for legislation. Before the Commission to which the noble Earl has referred there was evidence given by two very eminent Members of Parliament One had 14 years experience of Scotch affairs in Parliament—I allude to Mr. Duncan M'Laren, late the Member for the City of Edinburgh—and another was Mr. Baxter, the late Secretary to the Treasury, who had 26 years' experience in the House of Commons and in Office. Mr. M'Laren gave before the Commission the following evidence, in which he put the matter very plainly. He was asked to be good enough to state his objections to the way in which the Lord Advocate carried on Scotch Business. He replied—

> "I object to the Lord Advocate; first, because he has more than sufficient to do in attending to his proper legal businees as public prosecutor in Scotland, in giving advice to the Crown, and in filling up legal appointments."

Here I may be allowed to interpose with the remark that one of the results of the accumulation of Offices on the head of the Lord Advocate is this—that he practically has the appointment of the very Judges before whom he pleads as a practising barrister, which I suppose is not the case in any civilized country in the world. Mr. M'Laren continued—

> "And, secondly, I object to throwing on him the work that naturally belongs to the Secretary of State for the Home Department, so far as it relates to Scotland. I do consider that the Lord Advocate is Secretary of State for Scotland, because, except on certain important occasions, his advice is taken on Scotch affairs as a matter of course. I object to these duties being thrown upon him, because, in my opinion, the inevitable effect is that nothing is done as it ought to be."

Mr. Baxter proposed that there should be a Secretary of State for Scotland in connection with the Privy Council rather than the Home Office, holding exactly the same position as the Chief Secretary for Ireland. I do not propose to enter into details as to the present method of managing Scotch Business; as it must rest with Her Majesty's Government whether they will entertain the question of the noble Earl; but I would point out this—that the government of a country by the Legal Profession is almost unexampled in the history of the world. I have only come across one instance of a similar government, which was more or less an efficient government, though it has now ceased to exist. There is a Government in the recollection of your Lordships where, with regard to the Cabinet Offices, if we may so call them, there was almost no restriction as to rank, title, or property of the person who filled an Office; there was only one necessary qualification, and that was that he must be in Holy Orders—and that was the Government of the Holy See. We, in Scotland, have been handed over to the legal rather than to the spiritual arm; but I do not know that, in that respect, the Government of Scotland is a very great improvement on the Government of Rome. There are one or two other disadvantages, which I might point out, incidental to this anomaly. One is that, whatever happens, the Minister for Scotland, as a matter of fact, never can be in the Cabinet. No Lord Advocate has ever been in the Cabinet. If the Government would put the present Lord Advocate in the Cabinet all our objections would be answered; but there is no indication of any intention of the Government to do this. It really is, however, a considerable disadvantage for the country to have its Chief Officer permanently excluded from the Cabinet. Well, there is another very tangible disadvantage. For every other part of the country and every other Department of the Government there is a permanent staff, and when a new Minister comes into one of these Departments he finds the traditions and arrangements of the Office working on, whatever political changes occur. But there is no such Department and no such tradition for Scotland. Everything has to be begun again *de novo* on the accession of a Lord Advocate, and everybody can understand the disadvantages that arise on that person entering upon his Office. There is also another disadvantage. When a Party goes into Opposition, it is usual for the Minister then in power to confer with his Predecessor as to matters over which he has cognizance, and that arrangement causes the wheels to work perfectly smoothly. But what does that mean as regards the position of Lord Advocate? In almost every case when a Government is overthrown by any unexpected event, he is hurried on to the Judicial Bench, and the result is that as regards official experience Scotland is left without any Representative whatever when a Party is in Opposition. Let us put it in this way. Suppose the present Government had come into Office without a Dissolution, there would have been no person qualified in the Party to be the Lord Advocate, there being no Scotch lawyer in the House of Commons. Suppose that the Party opposite, which is much to be deprecated, were to come into power, there would be no one qualified to be Lord Advocate. That is surely a strange thing, and a matter of importance—that on neither side of the House, in these circumstances, would there be a single person qualified to fill the office of Lord Advocate, so important a post in the government of one-third of the United Kingdom. The late Government were alive to the importance of this matter, and the Home Secretary pledged himself to introduce a measure to provide an Under Secretary of State for Scotland. The pledge, however, was never carried into effect, because, I believe, of the pressure of Business; but that shows that it was a clearly recognized evil then, and it is no less so now, although the legislation of the country is in such a state as to prevent all attention to Scotch Business. But there have been two results in this Session of Parliament from the neglect of this question. One is that a Memorial very numerously signed by a considerable majority of Scotch Members of the House of Commons has been presented to the Lord Advocate, couched in the spirit of the question raised by the noble Earl. To that Memorial an answer was given, promising consideration of the matter. Two or three months have elapsed since then, and I hope that the consideration given to that Memorial will bear fruit in the answer to be given by the Government to-night. But there is another side, which I think still more serious and important. It is this—the words "Home Rule" have begun to be distinctly and loudly mentioned in Scotland. There is a body in Scotland, which any Members of your Lordships' House coming from that part of the country will recognize as forming a fairly representative body—the Convention of Royal Burghs of Scotland. At the Convention of the Royal Burghs this year there was a Motion brought forward urging that a separate and subordinate Legislature should be set on foot to consider Scotch questions. That Motion was not largely entertained; but it is a significant sign of the times that in Scotland, where no mention of Home Rule has been made up to this time, under the present circumstances it should be heard. My Lords, I remember that the late Lord Beaconsfield, on one occasion in Scotland, implored the people of Scotland to give up "mumbling the dry bones of political economy and munching the remainder biscuit of an effete Liberalism." I believe the people of Scotland, at the present moment, are mumbling the dry bones of political neglect, and munching the remainder biscuit of Irish legislation. It is in the hope of putting an end to that state of things that I conceive this question has been put by my noble Friend, and, consequently, I most sincerely implore the attention of the Government to this question.

THE EARL OF AIRLIE, while believing the Lord Advocates for Scotland had been men of high professional standing, said, it appeared to be their condition that they had often to hang about for a seat in Parliament, which they only procured after repeated attempts. That was not a satisfactory state of things, that the Minister who was supposed to make the arrangements for Scotch affairs should be in the position that he often could not find a seat in the House of Commons. It must be so from the necessities of the case. The chances were limited, because for Lord Advocate they must have a lawyer of eminence. The noble Duke (the Duke of Argyll) said, that an Under Secretary of State would not be a satisfactory change for the Lord Advocate. He (the Earl of Airlie) agreed with that statement. What they suggested, and what he understood the proposal of the noble Earl who raised the question to be, was that there should be a responsible Minister devoting himself to the affairs of Scotland, and that in matters requiring a legal opinion he should have the assistance of the Lord Advocate.

THE EARL OF CAMPERDOWN said, he wished to add a feeble note to the chorus of Scotch discontent he had heard that night. That discontent was not merely confined to certain Members of their Lordships' House. He was convinced that it was very deeply rooted in Scotland, and that it was daily finding more forcible expression. At the time that the Commission which had been referred to sat in 1869, a very considerable amount of evidence was taken. There appeared before the Commission Members of Parliament and persons of high position, holding the most opposite opinions on political questions; but in regard to this point of Scotch government there was virtually no difference of opinion amongst the witnesses. Men holding opinions as different as Mr. Baxter and Mr. M'Laren on the one side, and the late Sir William Stirling Maxwell and the late Mr. Nisbet Hamilton on the other, all agreed on this—that the system of conducting Scotch administration through the Office of a Legal Adviser alone was by no means satisfactory. The statement which his noble Friend (the Earl of Fife) made who raised the question was perfectly correct—that Scotch Business was done second hand; because, although the Home Secretary was clearly the Minister for Scotland, yet, as their Lordships must be perfectly well aware, and as, indeed, was stated by Lord Moncreiff, who had lately been Lord Advocate, the Lord Advocate of the day was consulted and his advice always taken with reference to Scotch Business; so that, in reality, the Lord Advocate was the Minister for Scotland. No doubt, the complaint at this moment was rather more loudly made because of the present state of Public Business. It was not merely that the Business was not done, but it was because it was not, and did not seem to be, satisfactory that the Public Business of Scotland should be done by a lawyer alone. Reference had been made to the question of local government, and while desiring to speak with the greatest respect of the able men who filled the position of Lord Advocate, he asked how was it possible that a lawyer who, through his training and occupation, had naturally had his attention called to a different state of Scotch life, could be familiar with the details and with Scotch feeling with regard to such a question as local government and local taxation? Sooner or later there must be a change in this form of government. He did not think it was necessary to appoint a Chief Secretary for Scotland. He would rather, at that point, not express any definite opinion on the matter. There were, no doubt, reasons which had been urged by the noble Duke (the Duke of Argyll) which rather tended against putting the Scotch Government on exactly the same footing as the Irish Government at the present time; but, in some form or another, Scotland did most imperatively demand that some change should be made in the system of administration. It was customary to allude to the Scotch Members as almost a solitary instance of a body of men who, without much talk, managed to get through a great deal of Business. But the Scotch Members did their Business in that way, not because that was the way in which they wished to do their Business, but because it was the only way in which Scotch Business could be conducted at all. Looking back to the few last years of Parliament, in which scarcely a single measure of any importance had been carried through for Scotland, it did seem to him that the noble Lords who had represented this grievance to the House had done Scotland a very great service.

Earl GRANVILLE: My Lords, no doubt this is a very important subject; and I think your Lordships will agree with me that it has been brought forward very kindly and with great moderation by my noble Friend who asked the Question (the Earl of Fife). The House has had the advantage of hearing very able counsel on both sides. Speaking on behalf of the Government, I am not prepared to give a final judgment to-day, for reasons which I shall now state to your Lordships. No doubt, those who desire the change have very clearly proved that there is something theoretically anomalous in the present system, though I think there is some exaggeration in regard to the anomaly, because certainly, theoretically at all events, the Lord Advocate is not the Minister of Scotland governing, but the Legal Adviser of the Home Secretary for that purpose. A painful picture has been presented of the state of Scotland. The noble Earl who first began stated that his experience in the House of Commons, where he performed his duties with great satisfaction, showed him that there was much dissatisfaction among the Scotch Members and the public. I am bound to say that this dissatisfaction is rather of recent date. During a political life of some years, my experience has been that jealousy has been felt in the other part of the Island, of the very superior way in which Scotch Business was transacted in Parliamant. The noble Earl (the Earl of Rosebery), who spoke third, has stated that the Government of Scotland is as bad as possible. What I have always been told, in the first instance, was that Scotland was so much better governed than England or Ireland, that it required less legislation than the other two parts of the country did. I certainly was also told that it was not so much a question of the Lord Advocate governing Scotland as of Scotchmen governing themselves, a form of Government of which men of their calibre were not incapable. The real difficulty arising at the present moment is that mentioned by three or four of your Lordships — the immense block of Business in "another place." It is a very delicate matter in this House to speak of any failure in the House of Commons; but after Mr. Gladstone, Lord Hartington, Sir Stafford Northcote, and the highly respected Speaker of that great Assembly, have declared that it is impossible that Business should be continued in the state it is in now, it is clear that it is the duty of the Government most carefully to consider how to remedy the unfortunate state of things which now exists, either by relieving the House of Commons from the pressure of some of the Business that belongs to it, or introducing new modes of dealing with the Business. It is the duty of the Government to try to deal with this great evil. It is clear that, connected with changes of that sort, there must be very considerable changes with regard to Administrative and Executive Offices. We have heard to-night a strong plea put forward for a Scotch Minister; but it is not Scotland alone that is putting forward a plea for a new Minister. Nothing can be more important than the administration of justice in the Three Kingdoms. We have been asked for a Minister of Justice; we have been asked for a Minister of Education; we have been asked for a Minister of Agriculture—the most important industry of this country; we have been asked for a Minister of Commerce; and we have been asked for a Minister of Mercantile Marine. A noble Earl spoke of Ireland having the whole paraphernalia of Government ready; but there are persons irreverent enough to think that reforms are needed in the Irish system. This is a matter which I do not think can be considered as one with which the Government should deal piecemeal or singly. Believing, as I do, that it is their duty and wish to deal with the question of the mode of legislation in this country, and to accompany that with whatever is right in the particular changes of Administration and of the Executive Government, I hope my noble Friend will be satisfied with my assurances that the fairest and fullest consideration will be given by Her Majesty's Government to the proposals which have been put forward by so large a number of their Representatives in the House of Commons and of the Peers in this Chamber.

CRIMINAL PROCEDURE (SCOTLAND).

QUESTION. OBSERVATIONS.

THE EARL OF MINTO, in rising to call attention to the secrecy of the system of criminal procedure in Scotland in its preliminary stages; and to ask Her Majesty's Government, Whether they will consider the expediency of promoting, by means of legislation or otherwise, a greater degree of publicity than is now accorded to inquests and precognitions by public prosecutors in cases of death under suspicious circumstances and in cases involving criminal charges? said, he wished, at the outset, to guard himself against the supposition that he aimed at the introduction of coroner and coroner's juries into Scotland. In that country they had no high sheriff and grand juries, no coroners and coroners' juries, and what was especially noticeable, they had no magistrates sitting in public for receiving and determining whether an accused person should be dismissed or committed for trial. They had instead a Lord Advocate, who was the chief prosecutor for Scotland, and sheriff substitutes, and last—but not least—a procurator fiscal for each county. The duties of the procurator fiscal were of the highest importance, in consequence of his functions being carried on in private and behind the back of the public. He received information and took evidence in private, not even the prisoner receiving information as to its tenour; and to such a degree was the rule of secrecy carried, that a prisoner's declaration was made by him in private, and he was not allowed to be accompanied by a friend or professional adviser. If the investigation did not result in a trial, then the whole evidence was kept secret. The number of such cases in which no trial took place was naturally very large, and of the merits of such cases, or why they were not pushed to trial, the public always remained ignorant. This led to, perhaps, unfounded gossip and unjust suspicion, and a good deal of mischief was sometimes engendered. Even an application by a friend or by an interested party for a copy of the precognition was met by the statement that it was contrary to the rules of the Crown Office. In some cases a complete summary of what occurred had been published by a local newspaper; but although the summary was complete, it did not carry the authority with it that the evidence itself would have carried. In the House of Commons, in 1875, Dr. Cameron pointed out that the Procurator Fiscal of Glasgow had imparted the precognition he had taken to certain private parties at his own discretion, and was found fault with by the Lord Advocate. Crown agents themselves sometimes gave information to the Press; and in the Report of the Roxburghshire Justices in 1876 on criminal proceedings, it was stated that a certain eminent Judge, when he was Crown counsel, was in the habit of communicating the results of investigations in certain cases to the Press, for the satisfaction of the public mind. Further, in what were called sensational cases, the evidence given found its way to the public in a very irregular way, and in most cases in a very imperfect and misleading form. He remembered a case in which a constable was violently assaulted, and where, in self-defence, he struck his assailant a blow, from the effects of which he died. The procurator fiscal and the sheriff held the preliminary investigation, and, after taking all the evidence, decided that there was no case on which they could send the man for trial, as he had been compelled to act, and did act, in self-defence. In the meantime, great agitation was got up, immense excitement prevailed, and unauthorized and erroneous accounts of the evidence were published. In the result, a second investigation was ordered, and was made with the same result. Soon afterwards a Member of the

House of Commons asked the Government whether it was true that a constable had killed a man, and yet was still at large; and the reply given was that an order had that day been given to put the constable on his trial. The trial took place, and the jury unanimously acquitted him. All this would be avoided if the authorities were permitted to give authentic information to the Press, so that the public might have before them a reliable version of what took place at the preliminary investigation. He was strongly of opinion that the affording of such facilities to the Press of arriving at the facts would be accompanied by good results. The Miners' Association had strongly recommended that in the case of mining accidents a public inquiry in the nature of a coroner's inquest should be held. He thought, on the whole, that the criminal business of Scotland was very fairly and well conducted. At the same time, there were some defects which he thought well worthy of consideration. For instance, it was very unsatisfactory to find that in 1874 Dr. Russell, medical officer of Glasgow, reported there were in Glasgow 16,323 deaths, of which 3,601, or 22 per cent, were uncertified. The House of Lords Returns for January and May, 1878, showed that in 1876, in respect of cases of death under suspicious or unknown circumstances connected with murder, culpable homicide, &c. there were 92 investigations, resulting in 48 trials, leaving a balance of 44 cases respecting which the public were entirely uninformed from official sources. In regard to all other cases of sudden death, or death under suspicious or unknown circumstances, there were 2,606 investigations by the procurator fiscal, resulting in only four trials, so that 2,602 had been entirely hidden from the public view. In pressing the subject upon their Lordships' attention, he had fortified himself with the opinions of persons who were well worth listening to—with the opinions of Lord Young, Lord Shand, Lord Rutherfurd Clark, Mr. Charles Morton, and the late Mr. Justice Willes. Lord Young, Judge of the Court of Session, and who was a Member of the Courts of Law Commission, referring particularly to this question of preliminary investigation, and as to precognition and commitment to trial, said—

> "My opinion is hostile to the system of secret investigation which now prevails in Scotland. I do not think it right in itself, or required in the interests of justice, that any person should be committed to prison on evidence taken behind his back—not even in presence of a magistrate—and studiously concealed from him. I have ever regarded this system, which has descended to us from remote and comparatively dark times, as a blot on the Criminal Law of Scotland. I am not of opinion that the ends of public justice are thereby aided. On the contrary, I think public justice would be promoted by adopting in substance the suggestions set out in the 7th and 8th pages of the Report of the Courts of Law Commission. The apprehensions stated in the Report are, I think, fanciful, and not warranted by the experience of England, to which it appears to me legitimate to appeal."

In conclusion, he must say that he did not expect any positive answer to the Question of which he had given Notice, and which he now asked; but he would venture to suggest, in order not to make the discussion quite barren, that the Government might grant a monthly Return for each county of the cases of sudden death that had been inquired into by the procurator fiscal, with a statement of the result of the inquiry, in each case distinguishing those on which precognition had been taken with a view to criminal proceedings, and that a copy of such Return should be communicated to the convener of each county.

THE EARL OF DALHOUSIE: My Lords, I am afraid the answer I have to give the noble Earl (the Earl of Minto) he will scarcely think satisfactory, although it is nothing more than he expects. The Question that he has brought before your Lordships is one that is not at all easy for the Government to deal with, partly for one of the reasons to which he has alluded—namely, the unpaid magistracy of Scotland exists in reality in little more than in name. If the preliminary investigation which takes place in cases of criminal proceedings were conducted in public, it would be necessary to conduct it in the presence of a magistrate—that is to say, in the presence of a paid and legally trained magistrate. The paid magistrates consist of the sheriffs and sheriffs' substitutes, and they are already over-burdened with a large quantity of work in addition to the amount of general work they have to get through, and it would be necessary to add very largely to the staff of salaried

Judges in Scotland before it could be possible to carry out the suggestion of my noble Friend. It has already been under consideration whether it would be possible for the sheriffs to attend all these criminal investigations in which public interests are involved—in such cases as railway accidents or loss of life at sea or mining explosions; but, up to the present time, it has not been possible to make any arrangement for doing so; and before it could be done I think the Secretary of State would be compelled to have recourse to Parliament for provisional legislation in the matter. I have to say, in reply to my noble Friend, although it is impossible for the Government to pledge themselves to any particular course in regard to this matter—and I am bound to say in addition, as far as Her Majesty's Government are aware, there exists no general desire in Scotland for the change he has mentioned—the Government are alive to the importance of the question, and undertake to give it their careful consideration, and more than that I am unable to say.

LORD **WAVENEY** said, he must apologize for interfering in Scottish affairs; but it seemed to him that the remedy existed in returning to the old ways which existed before Government agency was substituted for the services of the landed proprietors. The Jacobite Rebellions of 1715 and 1745 led the Hanoverian Government to put an end to the system of magistracy which then prevailed among the country gentlemen, owing to the suspicion which was entertained of their tendencies. It would be, he thought, a very great addition to the satisfaction of the Scottish proprietors in general, and an advantage to the country and public service, if a return were made to the old ways, or, at all events, that the Scottish gentlemen had the power of participating in the government of the country beyond their duties of Commissioners of Supply.

THE EARL OF **DALHOUSIE**: I may, without indiscretion, I think, give a very short answer to the suggestion of my noble Friend (Lord Waveney). The answer is simply this — that the people of Scotland would not understand it, and, I may say, would not stand it either. There is a very strong feeling in Scotland against any unpaid magistracy similar to that of England, and it would be perfectly hopeless for any Government to attempt to introduce a system other than that which now exists.

LUNACY DISTRICTS (SCOTLAND) BILL [H.L.]

A Bill to make provision for altering and varying Lunacy Districts in Scotland—Was *presented* by The Lord RAMSAY; read 1ª. (No. 108.)

House adjourned at a quarter before Seven o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Monday, 13th June, 1881.

MINUTES.]—SUPPLY—*considered in Committee*—*Resolutions* [June 10] *reported.*

PUBLIC BILLS—*Ordered*—*First Reading*—Roads Provisional Order (Edinburgh)* [185].

Second Reading—Consolidated Fund (No. 3)*.

Committee—Land Law (Ireland) [135]—R.P.

Committee—*Report*—Alkali, &c. Works Regulation [119-186]; Post Office (Land)* [150].

Considered as amended—Local Government Provisional Orders (Horfield, &c.)* [166]; Newspapers (Law of Libel) [5], [House counted out].

ROADS PROVISIONAL ORDER (EDINBURGH) BILL.

On Motion of Secretary Sir WILLIAM HARCOURT, Bill to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for providing that "The Roads and Bridges (Scotland) Act, 1878," shall come into force in the County of Edinburgh on the first day of September, one thousand eight hundred and eighty-one, subject to certain conditions, *ordered* to be brought in by Secretary Sir WILLIAM HARCOURT and The LORD ADVOCATE.

Bill *presented*, and read the first time. [Bill 185.]

LOCAL COURTS OF BANKRUPTCY (IRELAND) [SALARIES, &C.]

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Salaries and Pensions of Officers, and of Compensation to them for loss of Emoluments; also, in the event of the Honourable Stearn Ball Miller becoming the remaining Judge of the Court of Bankruptcy, of the payment to him of additional Salary, in consideration of additional duties which may be imposed upon him under the provisions of any Act of the present Session for the establishment of Local Courts of Bankruptcy in Ireland.

Resolution to be reported *To-morrow*, at Two of the clock.

QUESTIONS.

TRADE AND COMMERCE—EXPORT AND IMPORT TRADE WITH FRANCE.

Mr. MAC IVER asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a printed statement which is being circulated by Sir Henry Peek, in which it is alleged that the value of our exports to France has during the last ten years diminished from about £33,000,000 to £28,000,000, while the annual value of our imports has during the same period increased from about £30,000,000 to £42,000,000; and, whether, if the facts are so, Her Majesty's Government will, in the negotiation of any new Commercial Treaty with France, insist upon such arrangements as are likely to amend this state of things and to ensure an equitable division of the profits of international trade?

Mr. CHAMBERLAIN: Sir, I have to make an appeal to the hon. Member for Birkenhead that he will not needlessly waste the time of the House by putting Questions with reference—— [*Cries of* "Oh, oh!" "Order!" *and* "Withdraw!" *from the Opposition.*]

Mr. SPEAKER: The right hon. Gentleman the Member for Birmingham is in possession of the House, and he has said nothing un-Parliamentary.

Mr. CHAMBERLAIN: I must repeat, Sir, I have to make an appeal to the hon. Member not to put Questions with reference to figures, the plain answer to which is contained in a statistical abstract, which is in possession of the hon. Member and of all other hon. Members. I have further to say that the hon. Member, in the Question he has placed on the Paper to-day, seems to take as his foundation the figures which concern the year 1871, which, he is probably aware, was quite an exceptional year in the transactions between this country and France. If the hon. Member will examine the figures in the abstract to which I have referred, he will find that in the last 15 years there has been no considerable variation in the exports from this country to France, and certainly there has been no consistent decrease in those exports. The same remarks apply to the imports from France to this country. They have not shown any steady or consistent increase. Even if they had, I should differ from the hon. Member in considering that state of things injurious to this country.

Mr. MAC IVER: Sir, in consequence of the reply of the right hon. Gentleman, I shall, on an early day, call attention to the inaccuracies in his statement.

ARMY COMMISSIONS—MILITIA SUBALTERNS.

Sir EDWARD WATKIN asked the Secretary of State for War, Whether the number of Army Commissions to be offered to Militia Subalterns for competition at the Examination in September next is to be reduced from sixty to thirty; and, if so, on what grounds?

Mr. CHILDERS: Sir, my hon. Friend was, I presume, not in the House on the 16th of May, when I gave a long answer on this subject to the hon. Member for Burnley (Mr. Rylands). I explained to him then that, under the new organization, there would be a large reduction in the number of officers, and that this would necessitate a smaller number of annual admissions. But for the hardship to young men who have been preparing for the Army, it would be unnecessary to appoint any subalterns or cadets whatever in the Cavalry or Infantry next year. We have, however, decided to spread the reductions over about four years; and, accordingly, 72 fewer cadets will be annually sent to Sandhurst, and 60 fewer lieutenants will come from the Militia. As to the latter, it must be remembered that in 1880 74 commissions beyond the fixed annual number were given to Militia officers, so that they have no possible grievance. We have, however, considered whether, as the notice to the Militia is a little shorter than that about Sandhurst, some relaxation might not be allowed in respect of the examination in September, and I have decided to allow 40 to enter then, instead of 30. But the fixed number in March next and afterwards will be 30 every half-year until all the supernumeraries are absorbed.

DIVINITY DEGREES (IRELAND).

Mr. J. G. TALBOT asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government intend to empower the Magee and other Presbyterian Colleges in Ireland to grant degrees in divinity; and, whether, if such intention exists, provision will be made that the same shall only be conferred upon graduates in arts of some University of the United Kingdom, so as to ensure a sufficiently high standard of general education?

Mr. W. E. FORSTER, in reply, said, it was the intention of the Government to advise Her Majesty to give a Charter to these Colleges to grant degrees for theology; and provision would be made that such degrees should be conferred on those only who obtained a sufficiently high standard in general education.

STATE OF IRELAND—OUTRAGE AT CLIFDEN.

Mr. MACARTNEY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the case that a shot was fired on Thursday night, the 12th of May, through one of the bedroom windows of the Protestant Female Industrial School at Clifden, while the Matron, who had a narrow escape of her life, was in the act of closing the shutters; and, if so, whether the Government has taken measures to protect the poor Protestants in that part of Ireland from similar acts of persecution and violence?

Mr. W. E. FORSTER: Sir, the facts of this case are as follows:—On May 12 the matron of the Industrial School at Chifden was retiring to bed when near her window she heard the report of a gun. She afterwards found that two of the panes were cracked, but the shot did not go through the glass. The gun must have been fired at a considerable distance from the house. The police who were on patrol in the neighbourhood at the time also heard the report of the gun; but, I am sorry to say, have as yet found no trace of the perpetrator of the outrage, which I look upon as being sectarian rather than agrarian. Directions have been given to the police to pay particular attention to the school in future.

ARMY—AFRICA (WEST)—THE TROOPS AT CAPE COAST CASTLE.

Sir EDWARD WATKIN asked the Secretary of State for War, Whether his attention has been called to a statement in the "Morning Post" of June 3, respecting the 1st and 2nd West India Regiments (stationed at Cape Coast Castle), viz:—

> "Three companies and their officers are living in tents on the seaboard, a very inadequate protection against the tremendous force of tropical rains. The other three companies are quartered in the foully dirty Fantee town. In addition to the general filth which results from the unclean habits of the people, and the herds of pigs and goats which wander at large through the streets, all the houses possess large, open, old cesspools, which for many years have never been cleansed in any way, but overflow in a foul green slime, which percolates beneath the houses and oozes out on the further side;"

whether one-third of the officers have not already died or been invalided; whether others are not daily sent into hospital; and, who is responsible; and, whether any steps were taken when war with Ashantee appeared to be imminent to place Cape Coast Castle in telegraphic communication with this Country?

Mr. CHILDERS: Sir, in reply to the first part of my hon. Friend's Question, I can only refer him to the very full answer I gave to the hon. and gallant Member for Thirsk (Colonel Dawnay) on the same subject on Friday. The troops were sent from the West Indies with the utmost expedition, which has had the effect of preventing war, and there was no time to make any communication to Cape Coast before their arrival. In reply to the second part, I have to say that one officer has died, and 21 out of 55 have been invalided. The troops were put under canvas as soon as possible, and the invaliding thence has been much less than in the hired houses. As to responsibility, I cannot attribute blame to anyone, as, unfortunately, the King of Ashantee threatened war at the most pestilential season, and, but for the prompt measures taken, we should probably have been at war with him now. I have no official knowledge as to arrangements for laying down cables to our Colonies, and some months ago we pointed out the expediency on military grounds of improving the telegraphic communication in the direction of Cape Coast. Of course, other considerations besides military ones have to be weighed in such a matter.

WELLINGTON COLLEGE—THE ROYAL COMMISSION.

Mr. J. R. YORKE asked the Vice President of the Council, Whether it is intended by the Governing Body of

Wellington College to carry out the recommendations of the Royal Commission on that Institution, especially as regards the appointment of a

> "small executive Committee, whose avocations would permit them to devote a constant attention to their duties;"

whether any members of that Committee will be nominated by the Military authorities, as desired by Army Officers; and, on what date the Annual Report on the financial working of the College will be presented to Parliament, in accordance with the strongly expressed opinion of the Royal Commission on that subject?

Mr. MUNDELLA: Sir, I have communicated with the Governors of Wellington College, and I am requested to give the following answer to the Question of the hon. Member:—

> "The Governing Body of Wellington College have appointed a small committee consisting of five members—two of whom are officers of the Army. That committee is now engaged in carrying out such recommendations of the Royal Commission as, in the opinion of the Governors, will conduce to the best interests of the College. An annual Report of the financial working of the College will be presented to the Queen, through the Secretary of State, in the month of March in each year."

STATE OF IRELAND—RESISTANCE TO THE LAW.

Mr. J. R. YORKE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that the bells of the chapels in the district where processes of the Law are about to be enforced in Ireland are made the medium of summoning the inhabitants to resist the carrying out of the Law; whether this was the case at Michelstown, county Cork, last week; whether such use of means ordinarily used to summon congregations for religious exercises is legitimate; and, whether the sanction of the clergy of the several parishes was sought and obtained?

Mr. W. E. FORSTER, in reply, said, he had received reports as to the carrying out of this practice in certain districts, and he believed it had occurred at Michelstown. In some cases, though not in all, that course of conduct had received the sanction of the clergy. The practice was entirely illegal, and wherever the Government could they proceeded against the offenders; but there was great difficulty in obtaining evidence.

TREATY OF BERLIN—ARTICLE 23—REFORMS IN EUROPEAN TURKEY.

Sir H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, What course Her Majesty's Government propose to take to obtain the introduction into the European Provinces of Turkey of the reforms contemplated by the 23rd Clause of the Treaty of Berlin; whether Lord Dufferin has received any instructions with this object; and, whether such instructions and any other correspondence on the subject can be laid upon the Table?

Sir CHARLES W. DILKE: Sir, I informed my hon. Friend on the 1st of March that Her Majesty's Government had proposed in September last that the Representatives of the Powers at Constantinople should be authorized to discuss the means of prevailing upon the Porte to put into force the new statute elaborated under the 23rd Article of the Treaty of Berlin, and that instructions to that effect had been sent to the Ambassadors of France, Russia, and Italy. The time of the Representatives has since that date been fully occupied with the Greek Frontier negotiations; but now that a Convention has been signed, it may be hoped that they will be able to turn their attention to the questions arising out of the 23rd Article. Lord Dufferin is fully acquainted with the views of Her Majesty's Government on this and other points connected with the Treaty of Berlin.

FOREIGN JEWS IN RUSSIA—EXPULSION OF A NATURALIZED BRITISH SUBJECT.

Baron HENRY DE WORMS asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in a communication from St. Petersburg in the "Times" of June 7th, that the legal adviser of Her Majesty's Government in that capital has come to the conclusion, after a review of the Russian laws and regulations regarding foreign Jews, that the expulsion of Mr. Lewisohn from Russia last year was illegal; and, if so, whether he will lay a Copy of the Document in which this opinion is expressed upon the Table of the House; and, what steps Her Majesty's Government are now prepared to take in the matter?

Sir CHARLES W. DILKE: Sir, a Report on the subject by the Legal Adviser of Her Majesty's Embassy was received this morning. As soon as it has been considered I shall be prepared to give an answer to my hon. Friend's Question.

AUSTRIA AND SERVIA—COMMERCIAL TREATY.

Sir H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether a Treaty has been recently concluded between Austria-Hungary and Servia, under which paper, stonework, pottery, glass, iron, and steel, whether manufactured or partially manufactured, coming from the customs territory of Austria-Hungary are to be admitted into Servia at half the duties charged on such materials imported from any other country; whether, by a Protocol annexed to this Treaty, Austro-Hungarian trade marks are to have priority of registration in Servia over the trade marks of third countries; whether these preferential rights accorded to Austria-Hungary are consistent with the "most favoured nation" Clauses of the Treaty between Her Majesty and the Prince of Servia concluded in February 1880; and, whether Her Majesty's Government will state what course they have adopted, or are prepared to adopt, with the view of preventing this violation of the Treaty rights of this country, and the consequent injury to British trade, and lay upon the Table the Treaty with its annexes, together with any Correspondence on the subject with the Governments of Austria-Hungary and Servia?

Sir CHARLES W. DILKE: Sir, the whole matter is engaging the most anxious and careful attention of Her Majesty's Government. It is hoped that means will be found of obviating any injurious effects to British trade likely to arise from arrangements between the Austrian and Servian Governments. It is not advisable to lay Papers on the Table at present.

In reply to a further Question by Sir H. Drummond Wolff,

Sir CHARLES W. DILKE said, Her Majesty's Government had warned the Servian Government that they must adhere strictly to their Treaty engagements towards Great Britain.

STATE OF IRELAND—DISTRESS IN THE COUNTY ROSCOMMON.

Mr. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Local Government Board have been made aware, through their inspector, of the existence of distress in the district of Tarmonbarry, co. Roscommon; and, if so, what steps have been taken to meet the distress?

Mr. W. E. FORSTER, in reply, said, that the Local Government Board had not received any special Report from their Inspector with regard to the distress in the district referred to. They had, however, been told of the distress by one of the parish priests of the district. There were some public works which were authorized to be done in the barony in which the place was situate; but the Government had no other legal power to relieve distress, owing to the expiration of the Relief Act, except the usual power of granting Poor Law relief. He had, however, hopes that those ordinary powers would be sufficient to meet the distress.

STATE OF IRELAND—LANDLORD AND TENANT—COLONEL FORBES.

Mr. A. M. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that landlords in Ireland have been demanding and are enforcing by expensive legal proceedings payment of half-year's rent due only in May last, no other arrear being due; if it is the fact that he has had his attention in particular called to the alleged conduct of Colonel Forbes, of county Leitrim, who, it is stated, on the 4th instant, through his solicitor, demanded payment, within four days of the half-year's rent which fell due on the 1st May last, under threat of immediate and expensive proceedings in the Law Courts, no other arrear being due; and, whether the Government have represented, or will represent, to any such landlords the mischief and danger to the public peace of adopting unusual proceedings at a time like the present in that country, and will refuse their countenance and support to such proceedings?

Mr. TOTTENHAM: I should like to ask the right hon. Gentleman, before he answers the Question, a Question of which I have given him private Notice, Whether he is aware that the tenant of

Colonel Forbes alluded to has lately returned from America, obtained possession of the land, and refused to pay any rent; whether he is not a prominent cause of disturbance in the neighbourhood, and incites others not to pay their rents; whether he has not thrown the bailiff into a drain; and, whether he did not threaten violence if the owner, agent, or bailiff dared to enter on the land?

Mr. A. M. SULLIVAN: In consequence of the Question that has just been sprung upon the House, I beg to ask you, Sir, whether there is any protection in this House for people who are the subjects of statements which are devoid of foundation, made under cover of Questions, which I conceive to be a breach of the Privileges of this House?

Mr. W. E. FORSTER, in reply, said, he must remind the hon. and learned Member (Mr. A. M. Sullivan) that Colonel Forbes was also absent. Beyond the case referred to, he had no reason to suppose that landlords in Ireland had been demanding and were enforcing, by expensive legal proceedings, payment of the half-year's rent due only in May last, no other arrear being due; but, at the same time, he was not likely to hear of such cases. If a landlord applied for payment immediately after six months' rent was due, he only acted like an ordinary creditor applying for payment to his debtor. Probably, the demand would be in the form of a lawyer's letter in the usual way, and he did not think it was any business of the Government to inquire into the matter, especially as the hon. and learned Member was aware that what very often came before the Government could not follow from that step. Besides, no eviction was possible for one half-year's rent. With regard to the Question of the hon. Gentleman (Mr. Tottenham), he (Mr. Forster) had heard the same statement from Colonel Forbes himself, and, judging from that gentleman's character, he was strongly inclined to imagine that that statement was correct.

Mr. FINIGAN asked, whether the right hon. Gentleman was aware that Colonel Forbes was a justice of the peace for the county of Leitrim, and had within the past two months evicted no fewer than seven tenants for non-payment of an unjust and exorbitant rent?

Mr. Tottenham

Mr. W. E. FORSTER, in reply, said, that he was aware that Colonel Forbes was a magistrate, and he believed that he was a resident magistrate. It was possible that he had lately evicted seven tenants; but he was not aware that it was for the non-payment of an unjust and exorbitant rent.

In reply to Mr. A. M. Sullivan,

Mr. W. E. FORSTER said, he did not know whether it was before he received the hon. and learned Gentleman's letter at Dublin Castle that he made inquiry about Colonel Forbes; but when he saw the Notice of the Question he thought it right to make a little inquiry.

Mr. PARNELL asked, Whether the right hon. Gentleman was taking any steps to test the character of evictions which were now and had been going on in Ireland since he undertook last Session to watch carefully evictions going on in that country?

Mr. W. E. FORSTER, in reply, said, that that was an important Question, of which the hon. Member ought to give Notice.

LAW AND JUSTICE (IRELAND)—EXCHEQUER PROCESSES, 1836—EFFECTING SERVICE—REFUSAL OF AID FROM THE CIVIL AND MILITARY POWERS.

Mr. A. M. SULLIVAN: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, If there is any official record of the refusal of the Irish Executive, through Mr. Drummond, to grant the aid of the Civil and Military powers to effect the service of Exchequer processes upon tenant farmers, as stated in the following passage of Mr. M'Lennon's Life of Drummond:—

> "The Tithes Commutation had not yet (1836) been carried, and in various parts a hot war was being carried on against the peasantry to levy the tithes by force. In one parish in Munster alone the police in a single week accompanied four commissions of rebellion. Writs of rebellion, seisures, auction sales for tithes, and wholesale ejectments were everywhere being enforced. Even these means did not suffice the tithes collectors;
>
> "An incident in these weeks was the application to Government of Mr. Talbot Glasscock, attorney to the Dean of St. Patrick's, for the 'aid of the Civil and Military powers to effect the service of the Exchequer processes upon some of the Dean's parishioners in the county of Kilkenny.' The application, like many similar ones made at that time, was refused."

MR. W. E. FORSTER, in reply, said, he did not think they had any such records in the Castle. What there might be in the Record Office he could not tell; but as he was so deeply engaged with what was going on at present, he did not know that he could undertake to go back to 1836 in the way of inquiry.

ARMY—MILITIA OFFICERS—PROMOTION.

MR. MASTER asked the Secretary of State for War, Whether the senior Major and two senior Captains of each Militia Regiment will receive the same promotion on 1st July as the officers of corresponding rank in the Line Regiments of which they will then be the third and fourth battalions; and, if not, whether he has considered the position of the senior Majors of Militia Regiments who, under the new organisation, will be superseded by about three hundred Captains of the Army now junior to them?

MR. CHILDERS: Sir, the hon. and gallant Member was, I presume, not in the House when this Question was answered on the 3rd of June. There is no intention to increase the number of field officers of Militia, and the lines of promotion and retirement in the Line and Militia have always been entirely distinct; so that no question of supersession has ever been deemed of any weight.

LAW AND POLICE—PRIZE FIGHT ON EPSOM DOWNS.

SIR WILFRID LAWSON asked the Secretary of State for the Home Department, Whether his attention has been called to the report of a prize fight which, according to a statement in the "Daily Chronicle" of June 4th, took place on Epsom Downs on the "Oaks Day," when it is said that "the combatants fought a most dogged and determined battle for upwards of an hour," until they were in a pitiable condition, "a well known and influential bookmaker officiating as referee," the attendance comprising "a host of admirers, amongst whom were included several aristocratic supporters of these once popular contests;" and, whether the police have taken, or intend to take, any steps for bringing to justice the principals in these proceedings, as well as their influential and aristocratic supporters?

SIR WILLIAM HARCOURT, in reply, said, that he had inquired into the matter, and the report which he had received from the Metropolitan Police was that no prize fight had taken place on Epsom Downs on the Oaks Day. Arrangements had been made for a prize fight on the Downs during the Epsom week, and the necessary steps were taken to prevent it; but the stakes were drawn the night before the Oaks. That was the history of the prize fight. But he had been informed by the Chief of the Constabulary for the county of Surrey, with whom he had also communicated on the subject, that, while the facts were as he had just stated, the story was much exaggerated. It appeared that two drunken costermongers had had a squabble which did not last for more than a few minutes.

CONTAGIOUS DISEASES ACTS—THE MAGISTRACY.

MR. HOPWOOD asked the Secretary of State for the Home Department, Whether it is the fact that three surgeons, acting under the Contagious Diseases Acts in the examination of prostitutes, have been appointed justices of the peace for the Boroughs of Portsmouth, Windsor, and Southampton, respectively; will he give the dates of appointment; do these persons act as magistrates to enforce the Acts which they administer as officers; do they so act in court, or by private order; if so, is the right of appeal to a justice of the peace, which is given by the Acts in question to unfortunate women, secured to them; and, will he intimate to these persons that they must make election between the duties of examining surgeons and justices?

SIR WILLIAM HARCOURT, in reply, said, that he had inquired into the matter, and found that the three gentlemen in question were justices of the peace. But they had assured him in the most explicit way that they did not act in any case connected with the Contagious Diseases Acts, and that they would think it highly improper to do so.

PUBLIC HEALTH—SMALL-POX AT GRAVESEND.

MR. FINDLATER asked the Secretary of State for the Home Department, If his attention has been called to the fact that smallpox having broken out in a street of small tenements in the borough of Gravesend, the medical officer of health made an application to the Mayor to get a magistrate's order for the removal of several fresh cases to certain huts which were last year built in an isolated country locality for the reception of those suffering from any contagious disease, which application was refused by his worship; and, if the chief magistrate was justified in such refusal; and, if not, whether the Government will take steps to prevent a repetition of such refusal?

Sir WILLIAM HARCOURT: Sir, in this case I have to say that I have received a letter from the Mayor of Gravesend, who informs me that an application was made under the 124th section of the Act of 1875, which merely authorizes the removal of a child when without proper lodging and accommodation. In the circumstances of the present case, the magistrates did not think that the child in question came within that section of the Act.

STATE OF IRELAND — THE LAND LEAGUE ORGANIZATION.

Mr. CAVENDISH BENTINCK asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to a statement published by the "Times" Dublin correspondent in the "Times" newspaper of June 9th last, in the terms following, viz.:—

> "The Land League now appears to be practically affiliated with the two secret conspiracies (viz.: the Riband Conspiracy and the Fenian Conspiracy), and to have them working actively in its service. Hence the fallacy of the objection to the suppression of the Land League on the ground that the effect would be to drive the people into secret combinations. The fact is that the secret conspiracies already exist, and supply the irregular forces which commit the most lawless acts;"

and, whether Her Majesty's Government have any grounds for believing that the above statement is substantially true, and that the Land League is affiliated with the Riband Conspiracy and the Fenian Conspiracy?

Mr. PARNELL: Before the right hon. Gentleman answers the Question, I would wish to ask him, Whether he is aware that the person who writes these letters to the London "Times" is a Mr. Patton, editor of the Dublin "Daily Express," a Conservative organ, which has repeatedly imputed to the right hon. Gentleman at the head of the Government a secret alliance with the Irish Land League for the purpose of enabling him to get his land proposals carried?

Mr. T. P. O'CONNOR: I also wish to ask, Whether this Mr. Patton, the Dublin correspondent of the "Times," is the same person who has denounced the First Lord of the Treasury and his Colleagues as being in league with assassins?

Mr. W. E. FORSTER: With regard to the last two Questions, Sir, I believe it is quite enough for me to answer what appears in the newspapers, without being required to name the writers. As to the other Question, I can only state that I have no legal proof that the Land League, as a general organization, is affiliated with the Fenian Conspiracy or the Riband Conspiracy.

STATE OF IRELAND—LANDLORD AND TENANT.

Mr. LABOUCHERE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, during his recent visit to Ireland, he has found that the landlords of that Country are, to any great extent, making use of their powers so as to force the Government to support them in the exercise of injustice; and, whether they have taken into consideration the statement made by the Right honourable gentleman in this House on 24th August 1880, that it would be their serious duty to consider what their action should be, and that he did not think that any man in the House would expect him to remain any longer an instrument of that injustice?

Mr. MACFARLANE asked the Chief Secretary to the Lord Lieutenant of Ireland, If the circumstances contemplated when he used the following words in this House in August last year have or have not arisen:—

> "If they found that the landlords in Ireland were to any great extent making use of their power so as to force the Government to support them in the exercise of injustice, the Government should accompany any request for special powers with a Bill which would prevent the Government from being obliged to support injustice. He would go further and say, under any circumstances, if it were found that injustice and tyranny were largely committed, though he did not believe that such would be the case, it would then be their serious duty to consider

what their action should be, and he did not think that any man in the House would expect him to remain any longer the instrument of injustice;"

if, notwithstanding this statement, it is the case that he refuses to protect tenants who cannot, because he believes that there are some who could pay but do not; if he can state the probable proportion of both classes now under notice of eviction?

MR. W. E. FORSTER: Sir, with regard to the Question of the hon. Member for Northampton (Mr. Labouchere), I can only state that during my recent visit to Ireland I have not found, after making full inquiry, that the landlords of the country are to any great extent making use of their powers so as to force the Government to support them in the exercise of injustice. I do not know whether that answers the second part of the Question of my hon. Friend. I do not know who "they" are——

MR. LABOUCHERE: It was a quotation from the right hon. Gentleman's speech.

MR. W. E. FORSTER: As he has worded his Question, he asks me whether "they" have taken into consideration a statement made by me in August, 1880, and I imagine that the word "they" refers to the landlords. I think that what I have said also answers the second Question put to me; but the hon. Gentleman (Mr. Macfarlane) asks me if I can state the probable proportion of both classes—those who cannot and those who can pay—now under notice of eviction. Well, I believe, as far as I can get information on the matter, that the larger proportion of those under notice of eviction could pay, but will not. I have no official information as to the persons under notice of eviction, but I have of those actually evicted. The hon. Member will bear in mind that many persons receive notices who are not evicted, and that there are persons who are unable to pay their rent and other debts owing to their own improvidence.

MR. O'KELLY: Will the right hon. Gentleman give a Return showing the proportion of tenants unable from misfortune to pay their rents, and of those unable to do so from improvident habits?

MR. W. E. FORSTER: I cannot give the exact proportion, nor do I think any person in the Three Kingdoms could. I believe the larger proportion of them—I will not say there are not some exceptions—are persons who can pay; and that a good many of those who cannot are persons who have got into that condition from what may be fairly said to be their own fault and their own improvidence.

MR. PARNELL: Does the right hon. Gentleman know that the vast majority of tenants, in reference to whom ejectments have been executed since the present Government came into Office, are tenants whose holdings are valued under £8, that many of them have large families, that their rents in most cases are greatly in excess of the Government valuation, and their circumstances consequently very poor?

MR. W. E. FORSTER: If the hon. Member will ask a Question with regard to the amount of the holdings valued under a certain sum, and will give me three or four days to answer it, I have no doubt I will be able to answer it for the first three months of this year—perhaps later.

MR. T. P. O'CONNOR: I would like to know from the right hon. Gentleman what has become of the tenants for whose benefit the Compensation for Disturbance Bill was brought in last year?

[No reply was given to the Question.]

TURKEY—THE ALBANIAN LEAGUE.

LORD EDMOND FITZMAURICE asked the Under Secretary of State for Foreign Affairs, If he can give the House any information as to the condition of Affairs in Albania; if it is true that Dervish Pasha captured the Chiefs of the Albanian League by inducing them to come to Prizrend under the pretence of discussing a scheme of reforms with them, and that the Chiefs have now been sent to Constantinople for trial, and that it is the intention of Dervish Pasha to execute Abdul Frassais; what has become of Prenk Doda and Hodo Bey, who were seized and sent to Constantinople some months ago; and, if, considering that the demands of the Albanian Chiefs are reported to have been on the whole in union with the recommendations of the European Commission, the Forces of Her Majesty's Government will exert themselves on behalf of the captured Chiefs?

Sir H. DRUMMOND WOLFF said, he would also like to ask the hon. Gentleman whether any answer had been received from Austria or Germany with regard to the proposals made by Her Majesty's Government for the execution of reforms?

Sir CHARLES W. DILKE: Sir, it appears from the last Reports we have received that Dervish Pasha had overcome the resistance of the Albanians, and was taking steps to pacify the country. Most of the Albanian Chiefs had submitted to the Sultan. We have not heard that Dervish Pasha captured any Chiefs by treachery. Ali Pasha of Gussinje is stated to have come voluntarily to Dervish Pasha's camp, and to have assisted him in obtaining the submission of the other Chiefs. Abdul Bey Frassai was apprehended at Elbassan, and sent under escort to Prizrend to be tried by court martial. He is accused of having been employed to intrigue in the interest of Greece. Prenk Dodo and Hodo Bey are still in exile, I believe, at Constantinople. We do not know that any other Chiefs are in captivity, and there does not seem to be any ground for interference on the part of Her Majesty's Government on their behalf.

STATE OF IRELAND—DISTURBANCES IN CORK COUNTY.

Lord RANDOLPH CHURCHILL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he can give to the House a detailed account of the recent riots at Skibbereen, Schull, and Cork, and can state what injuries were inflicted on individuals and on property owing to those riots; and, whether he will lay upon the Table the official reports of the magistrates and constabulary officers?

Mr. W. E. FORSTER: Sir, the disturbances in the south and west of Cork, although serious, have been a good deal exaggerated. The entire disturbance is attributable to the unfounded rumour that the Rev. Mr. Murphy, parish priest of Schull, was to be arrested. On Monday, June 6, this rumour first spread. Horns were sounded, men on horseback summoned the people, and large crowds to the number of between 4,000 and 5,000 people, armed with spades, pitchforks, and other weapons, rapidly collected at Schull, many of them coming from a distance of 10 or 12 miles. The police force was only sufficient for the defence of the barrack, and could not leave it. About 9.30 in the evening a number of stones were thrown at the police barrack. The Head Constable called on the mob to desist, and threatened to fire on them. The mob then desisted, but subsequently some windows in the barrack were broken by stones, thrown principally by women. The mob also attacked the house of J. Sullivan, breaking the windows and doors, and stealing £50. His car was also taken away and thrown into the sea, and the windows of three other houses were broken. As regards the amount of property injured, the injury estimated in Schull is about £105. A scene of great disorder was kept up until daylight. During the night, or early on Tuesday morning, telegraph poles between Ballydehob and Skibbereen were torn down. Tuesday, the 7th, was fair day at Ballydehob, a village about five miles nearer Skibbereen than Schull. Large crowds had also collected there on the previous evening to prevent the arrest of the Rev. Mr. Murphy, and had remained up all night, partaking freely of whisky. On the morning of the 7th stones were thrown at the police barrack. Immediately application was made to Mr. Warburton, the resident magistrate at Bantry, for military aid, who at once started from Bantry with a force of 44 Marines and two officers. They reached Ballydehob at 5 p.m. On entering the town they were hooted, and some stones were thrown at them, principally by women in houses. The Marines then fixed bayonets, and the stone-throwing ceased for a time. They then marched to the Constabulary barrack, when more stones were thrown, and the men then prepared to charge. They did not do so, however, because in the front of the crowd were some dozen men trying their best to keep the people quiet, and behind them numbers of women, and those would have been the sufferers, instead of the roughs who were throwing the stones from behind. The Catholic curate arrived at this period, and did his utmost to restore order. The resident magistrate, seeing that the Constabulary barrack was perfectly safe, decided to return. The crowd, finding that the Rev. Mr. Murphy's arrest was not intended, exhibited most friendly feeling to the troops, and repeatedly cheered them. As regards the rioting at Skibbereen, it appears that Head Constable Droghan, when returning there on the evening of the 7th, was surrounded by a violent mob and cut on the head with a stone. The mob proceeded, at about 9 P.M., to attack the house of Mr. Coppel Thorne—who had resisted "Boycotting," and had supplied the police with cars. All the available police turned out, and the stone-throwing became so serious that the resident magistrate in charge threatened to fire. The Rev. Mr. O'Brien came up, and by great efforts induced the rioters to disperse. Quiet was restored, and the police withdrew. About midnight another attack was made on Coppel Thorne's house, which was wrecked. The police charged the mob several times with fixed swords, and drove them away, several, it is believed, being wounded. Quiet was again restored. In this riot several of the police were struck with stones; but, except in two cases, none were seriously hurt. As regards the injury to property in Skibbereen, the amount was about £850. The latest Reports I have received represent the district as quiet; but there is is still considerable latent excitement. With a view, however, of preventing any further disorder, the police force has been strengthened, troops have been sent to Schull and Skibbereen, and a resident magistrate of experience placed in special charge of the district. On the 8th instant, at 2.20 A.M., an attempt was made to throw two special trains, carrying troops from Cork to Skibbereen, off the lines between Ballineen and Enniskean, by placing a quantity of sand on the line. This, however, did not succeed. Again, on the same day, a crowd, consisting of 200 men, some on horseback, assembled near Drimoleague, and a body of about 40 of them set to work and tore up the rails for a distance of 80 yards, and threw them over the embankment. Having done this, they placed a small red flag where the rails had been torn up. They then proceeded to Drimoleague. It is believed this was done to stop, not upset, the train, as it was believed Father Murphy, of Schull, was in it, and being conveyed as a prisoner to Cork. I do not deny that the state of the district is such as requires anxious care; but I fully believe that the force sent down is sufficient not only to restore, but to keep order. In Cork the riot has been put down. The police there behaved with great forbearance with regard to the people who had been arrested.

THE NEW FRENCH TARIFF.

Mr. STUART-WORTLEY asked the President of the Board of Trade, Whether he will lay upon the Table of the House a translation into English of so much of Parliamentary Paper, No. 253, of the present Session ("New French Tariff") as has been published in French?

Mr. CHAMBERLAIN: Sir, the Parliamentary Paper was laid upon the Table of the House in French in order to avoid loss of time. I could, of course, furnish a translation; but some considerable time must elapse before this could be done, the work being very technical, and considerable portions of the tariff, as I am informed, untranslateable. I am also assured that people interested in the various trades can follow their own articles very well in the Return as presented. On the ground, therefore, of the expense, and also because the translation would probably not be ready in time to be of much practical use, I hope that the hon. Member will not press for this Return.

THE MAGISTRACY (IRELAND)—CLOSING OF PUBLIC-HOUSES.

Sir WILFRID LAWSON asked Mr. Attorney General for Ireland, Whether in Ireland the magistrates have the same power which they have in England, to order the closing of public houses when they have reason to apprehend a riot; and, if so, whether the Government will recommend them to take that step in the disturbed districts?

The ATTORNEY GENERAL for IRELAND (Mr. Law): Yes, Sir; magistrates in Ireland have the same power as in England—namely, to order the closing of public-houses during a riot, or when they have reason to apprehend a riot, and this power they exercise whenever the circumstances appear to them to require such order. I do not think it is at all necessary, nor in my opinion would it be proper, for the Government to give the magistrates any directions as to the performance of this duty.

NAVY—THE "ATALANTA" RELIEF FUND.

Captain PRICE asked the Secretary to the Admiralty, Whether he is aware that the Committee of the Atalanta Relief Fund have pronounced the sum subscribed to be quite insufficient for the purpose intended; whether he is aware that the failure to meet the demands which the constant recurrence of these disasters imposes upon the charity of the public, is in great part attributable to the growing opinion amongst all classes that the principle, which the State has always recognised in the case of officers, of giving permanent aid to widows, should be extended to the lower grades of the Service; and, whether he can hold out any hopes of the Government so extending this principle as to include all continuous service men in the Navy and Royal Marines?

Mr. TREVELYAN: Sir, the first two parts of the Question of the hon. and gallant Member refer to the intentions of the *Atalanta* Relief Committee and to the opinion of the public rather than to the policy of the Admiralty, and I had, perhaps, better answer him with one or two facts. The fund raised by the *Atalanta* Relief Committee amounted to £9,700, as against about £17,000 in the case of the *Eurydice;* but it is quite possible that the difference might be due to the striking and instantaneous character of the one disaster as compared with the dubious and protracted nature of the other. As it is, widows of seamen and Marines lost in the *Atalanta* are to receive 2*s.* 6*d.* a-week, with 1*s.* 6*d.* for each child; and at the age of 45 they are to receive 5*s.* a-week. That, at least, is the proposal made by the Committee. This is in addition to a gratuity of one year's pay from the nation; and I may say that the Admiralty, though they had only too good reason to believe that the *Atalanta* went down long before they officially gave her up for lost, thought it right to give the widows the benefit of what was hardly a doubt, and paid the arrears of pay for several months, so that practically the gratuity amounted to 17 months' pay. As regards the last and most important question, I may say that Lord Northbrook and the Secretary of State for War have been in communication with the Commissioners of the Patriotic Fund, and it is hoped that the result will be the creation of a permanent fund to be applied to the relief of the widows and children of men who have lost their lives in the Service.

LAW AND POLICE—ATTEMPT TO BLOW UP LIVERPOOL TOWN HALL.

Sir R. ASSHETON CROSS: May I ask the Home Secretary, Whether he can give any information as to the reported attempt to rescue the prisoners who are arrested for being concerned in the outrage at Liverpool?

Sir WILLIAM HARCOURT, in reply, said, he had received a letter that morning from the Mayor of Liverpool, and was in communication with him on the subject of the attempted rescue. The Mayor told him in his letter that he had no fresh facts to communicate at present. The letter was dated on Saturday.

EJECTMENTS (IRELAND)—RETURN OF PROCESSES FOR 1881.

Mr. LEWIS: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Government will supplement the Returns of the number of Ejectment Decrees granted in Ireland at the Easter Sessions 1881 by a Return of the number of such Decrees actually executed during the present year, distinguishing the executions on Decrees granted before, from those granted at, the Easter Sessions, and also stating the number of cases in which the tenantry were re-admitted as tenants or caretakers?

Mr. W. E. FORSTER, in reply, said, he could not give the information the hon. Gentleman required; but he would give a Return of the total number of ejectments for non-payment of rent since the 1st of January to the 30th June, as soon as he could have it prepared.

IRELAND — PREPARATION OF OFFICIAL PAPERS—REMUNERATION TO SUB-SHERIFFS.

Mr. LEWIS: I beg to ask the Chief Secretary to the Lord Lieutenant of Ireland, Whether, having regard to the great extra labour thrown on the sub-sheriffs of Irish counties by the frequency of Parliamentary Returns called for from them, the Government is prepared to grant them a reasonable compensation for such work, which does not fall within the ordinary scope of their duties?

MR. W. E. FORSTER, in reply, said, that hitherto the duty of preparing Returns connected with the Irish Land Question had fallen very much more upon the Constabulary and Clerks of the Crown than upon the sub-sheriffs, and the hon. Member was aware they would not be able to give compensation without bringing a special Vote in the Estimates for the purpose. Besides, public officers were expected to furnish information without receiving compensation for doing so.

FRANCE AND TUNIS—RELATIONS WITH FOREIGN GOVERNMENTS.

MR. OTWAY said, he wished to ask a Question of the Under Secretary of State for Foreign Affairs, of which he had given him private Notice, with respect to Tunis. There had been published what purported to be a Decree of the Bey of Tunis, and that had been followed by a Notification from the Representative of France in Tunis, addressed to the Representatives of the other Powers, to the effect that the Bey of Tunis had appointed him as intermediary for the communication of all public matters between the Representatives of Foreign Governments and the Government of Tunis. The Question he wished to ask was this—first of all, Whether the Decree and Notification are authentic, and also, if so, what is the present state of our relations with the Bey of Tunis; and, whether the relations which have subsisted between the two Governments for 240 years are at an end; whether, in consequence of this Decree, the equality which was established between British and French Representatives on the Financial Commission is altered; and, whether Her Majesty's Government understand that all communications and all requests made by them, or by British subjects, as hitherto, to the Government of Tunis, are henceforth not to be addressed to the Bey and his Government, but to the French Representative?

SIR CHARLES W. DILKE: Sir, I received private Notice of the intention of my hon. Friend to put a Question on the subject of Tunis; but I had no Notice of the terms of the Question, and I will answer, therefore, only in general words at present, and ask him to place on the Paper any further Question, if he likes, relating to the financial side of the matter, or to any further point he may desire to elucidate. The Decree to which my hon. Friend refers has been issued by the Bey of Tunis, and Lord Lyons has been informed that the French Government have approved of M. Roustan's accepting the nomination. It does not affect the position which Her Majesty's Government have taken with regard to the present state of affairs in Tunis, nor does it in any way weaken their Treaty rights, the obligation to observe which has been recognized by the French Government.

MR. MONTAGUE GUEST: May I ask whether Her Majesty's Government still consider Tunis to be an integral part of the Ottoman Empire?

No answer being returned to the Question——

MR. MONTAGUE GUEST repeated it; also asking, whether the hon. Baronet would lay on the Table the Instructions that had been given by Her Majesty's Government to the Consul General with respect to the Decree?

SIR CHARLES W. DILKE: Sir, the Instructions were written on Saturday, and have not yet been despatched. The reason I did not answer the Question of my hon. Friend is, because the present state of things can only be dealt with in the form of a speech; but I may point out generally that the affairs of Bosnia and Herzegovina are administered by Austria-Hungary, and those of Cyprus by Great Britain, although both these countries form integral parts of the Ottoman Empire.

SIR H. DRUMMOND WOLFF: The hon. Baronet says Bosnia and Herzegovina are administered by Austria. I should like to ask, whether that is not done in virtue of a European Treaty, which is not the case with regard to Tunis?

SIR CHARLES W. DILKE: The affairs of Bosnia and Herzegovina are administered under the Treaty of Berlin by Austria; but the affairs of Cyprus are administered by Great Britain without any Treaty at all.

SIR H. DRUMMOND WOLFF: Might I ask the hon. Baronet, whether the affairs of Cyprus are not administered by virtue of a Treaty between this country and the Supreme Power over Cyprus-Turkey?

Sir CHARLES W. DILKE: Yes, Sir; but the whole of the Powers have avoided recognizing our right to administer these affairs; they have always avoided recognizing it, and expressing any opinion on it.

Mr. O'DONNELL: May I ask, whether Her Majesty's Government have avoided any recognition of the right of France with regard to the affairs of Tunis?

Sir CHARLES W. DILKE: We have simply expressed up to the present time our opinion, which will be found in the Papers, the whole of which are in the possession of the House.

SCOTLAND—THREATENED EVICTIONS IN SKYE.

Dr. CAMERON asked the Secretary of State for the Home Department, Whether his attention has been called to the threatened eviction of sixteen families of Highland crofters, embracing nearly one hundred persons, from their holdings in the Island of Skye; and, whether, taking into account the recent frequency of such evictions in the Highlands of Scotland, Government will consider the propriety of extending to the Highland crofter population protection against arbitrary dispossession similar to that which the Law affords in the case of copyholders in England and small tenant farmers in Ireland?

Sir WILLIAM HARCOURT, in reply, said, he had no information except a newspaper paragraph which had been sent to him on the subject; and, knowing how inaccurate statements of that kind affecting private persons might be, he did not think it right to express any judgment on the matter until he was in possession of information of a really authentic character.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARRESTED PERSONS—THE THREE-MONTHLY INVESTIGATION.

Mr. SEXTON said, the Protection of Person and Property (Ireland) Act provided that the cases of the men arrested should be revised every three months. Would the right hon. Gentleman the Chief Secretary for Ireland say, in what manner and by what agency the investigations would be held, and what facilities would be afforded to the prisoners to appear personally or by counsel to show cause for their release?

Mr. W. E. FORSTER, in reply, said, he must ask the hon. Member to give Notice of the Question. He was, however, in a position to say that when he was in Ireland, he and the Lord Lieutenant had considered the matter, and had looked into some of the cases where the specified term of three months had expired.

STATE OF IRELAND—INSTRUCTIONS TO THE MAGISTRATES AND POLICE.

Mr. T. P. O'CONNOR said, that there had been a painful and disturbing rumour in Dublin that during the visit of the Chief Secretary for Ireland to that city the right hon. Gentleman had more than once expressed his personal regret that the police and military had not been more frequently ordered to fire on the people. Would the right hon. Gentleman say whether there was any foundation for the rumour? [*Loud cries of* "No!"]

Mr. W. E. FORSTER: Sir, I observe that it is not the desire of the House that I should answer this Question, and I need hardly say that I shall not do so. But it gives me an opportunity of doing what I think it would be well to do. Although, generally speaking, the instructions issued to the resident magistrates and the police must be considered to be of a confidential character, I think it may be of advantage to the peace of Ireland if I were to state what were the private instructions I thought it right to issue to the extra force sent down to Limerick. The House is aware that a fortnight ago, or rather more, there was considerable resistance to the execution of the law near New Pallas; consequently, it was found necessary to send a larger force there and to issue a proclamation warning the people against such resistance. Moreover, I thought it right, with the concurrence of the Lord Lieutenant, to issue certain instructions; and as I do not wish to avoid any responsibility, I had better read them to the House. The instructions to Mr. Rolleston, the resident magistrate in charge, dated June 2, 1881, were in these terms—

> "The sheriff or sub-sheriff of Limerick is about to execute certain writs at or near New Pallas, in the county of Limerick. The execution of these writs and of any other legal pro-

cesses with which the sheriff or sub-sheriff may be entrusted must be carried out notwithstanding any resistance which may be attempted. In case of resistance, the crowd must be dispersed and the principal ringleaders arrested and properly secured. In carrying out these instructions, the resident magistrate will give due warning to the crowd to disperse and will use his best discretion to avoid giving orders to fire, unless he has satisfied himself that other less extreme measures will not suffice. But he is to bear in mind that these instructions are to be carried out. (Signed) W. E. FORSTER.—To the Resident Magistrate in charge of the force employed to aid the sheriff at or near New Pallas."

I may add that, in giving the instructions, I did it in the hope and expectation that by sending a large force we should prevent what would be to me, and I suppose to almost everybody in the Three Kingdoms, a matter of great grief—namely, the necessity of firing in order to defend the police or military, or to carry out the law which must be enforced. It is necessary to understand that the law cannot be defied, and that in very extreme cases resort must be made to firing. Generally speaking, we leave the firing to the discretion of the resident magistrates; but, in this particular case, it seemed necessary to give instructions in the spirit in which we shall continue to carry out our difficult duties.

EVICTIONS (IRELAND)—RETURN OF INJURIES TO THE POLICE AND MILITARY IN CARRYING OUT PROCESSES.

SIR MICHAEL HICKS-BEACH asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will lay upon the Table a Paper, in the form of a Return or otherwise, showing the number and character of the injuries sustained by the Police and Military in Ireland within the past six months?

MR. W. E. FORSTER, in reply, said, it would be difficult to obtain such a Return, but he would have no objection to granting it; indeed, he should be glad to do so, principally because he thought the idea respecting the injuries in question amongst the general public was very much exaggerated.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—INTERDICTED MEETING AT SKIBBEREEN.

THE O'DONOGHUE wished to know why the meeting which was advertized to take place yesterday at Millstreet, Skibbereen, had been interdicted by the Government?

MR. W. E. FORSTER: Sir, the meeting was to come together in a great many thousands. The number may have been exaggerated; but I hear 15,000 had come together. We considered that if it were allowed to be held there was every probability the district would be put in the same lawless state as the Western corner of the county. Therefore, we thought it our duty to put a stop to it. We had the additional reason for doing so that we were given to understand that a person obnoxious to the members of the Land League in that district would be personally in danger.

MR. HEALY asked, why only one day's notice had been given of the intention of the Government to prevent the meeting. The leaders had considerable difficulty in preventing the people coming from great distances?

MR. W. E. FORSTER, in reply, said, the reason why so short a notice was given by the Government was probably that very short notice was given to them. If the hon. Member would secure that the Government should have notice of meetings some considerable time before they took place, they would take care to consider whether or not they should be prohibited, and to give as long a ontice as they could. With regard to the difficulties of the local leaders, he really did not, however, think that among other difficulties that was one that was much to be considered. In this case they appeared to be soon got over. What happened was that after the prohibition a large crowd of people gathered together, and that upon the understanding that no meeting was to be held, the resident magistrate said there was no objection to them going in procession into the country and back, which was quietly done.

SOUTH AFRICA—THE TRANSVAAL—NOTICE OF MOTION.

SIR MICHAEL HICKS-BEACH said, he wished to give Notice that to-morrow he would ask the right hon. Gentleman the Prime Minister, Whether the time had now arrived when the Motion, of which Notice had been given relative to the state of affairs in the Transvaal, might be brought forward without inconvenience to the public service?

Mr. GLADSTONE: I shall feel obliged if the right hon. Gentleman will put the Question on Thursday.

ARMY—THE NEW ORGANIZATION SCHEME.

Sir HENRY FLETCHER said, he wished to know from the Secretary of State for War, Whether the new Army organization scheme which appeared in the "Times" last Thursday, and which had been followed up to-day, was authentic, and when it would be laid on the Table?

Mr. CHILDERS: The Memorandum is in the hands of the printer, and I hope it will be in the hands of hon. Members on Thursday or Friday. It will be found a much longer Paper than could have been given in any newspaper article. I hope that before the end of the month there will be an opportunity given for discussing it.

In reply to an hon. Member,

Mr. CHILDERS said, that there had appeared in *The Times*, and he thought another newspaper, a fragment of the amended Memorandum.

Colonel MAKINS remarked that the right hon. Gentleman had not even yet answered the Question. They wished to know if this publication was authorized?

Mr. CHILDERS said, the words "authorized" and "authentic" had now come to be used in a very dangerous way. He begged to repeat that what appeared in *The Times*, and he thought some other newspaper, was a part only of the Memorandum which was in the hands of the printer. He had not read the statements in the newspapers with sufficient care to be able to say whether it was accurate; but, so far as he remembered, some of them were not.

Sir WALTER B. BARTTELOT wished to know whether the right hon. Gentleman had given authority to the newspapers to use the statement, and whether the statement was accurate?

Mr. CHILDERS: I do not think I could answer that Question accurately without giving rise to much misunderstanding. I have not the least wish to avoid stating what is strictly accurate; but I do happen to be aware that part of the information did reach a certain person who may have given it to *The Times*, but certainly not with my authority. As I said before, the newspapers contained only a part of the information, which will be in the hands of Members in a day or two.

Sir WALTER B. BARTTELOT: May I ask why we have not in our hands the information which on Thursday last was communicated to *The Times?*

Mr. CHILDERS: I stated that only part of the Memorandum has appeared in the newspapers, and I will take care that the whole shall be in the hands of Members without delay. I have not delayed the presentation of the Memorandum a single hour.

Mr. T. COLLINS: The right hon. Gentleman has forgotten to say whether what appeared in the newspapers was authentic and authorized.

Mr. CHILDERS: As I said before, "authentic and authorized" are, according to recent experience, ambiguous and dangerous words to use. I can say nothing more until hon. Members have seen the whole statement, which will be in their hands in a day or two.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [SEVENTH NIGHT.]

[*Progress 3rd June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 1 (Sale of tenancies).

Mr. BIGGAR, in moving, as an Amendment, at the end of line 13, to insert—

> "Unless when the yearly value of the holding exceeds thirty pounds, and so that neither the part sold nor the part remaining shall be of a less value than fifteen pounds per annum,"

said, that two other Amendments dealing with the same point had already been disposed of; and the objection urged against them by the right hon. Gentleman the Prime Minister was that they would weaken the Bill. Now, he (Mr. Biggar) was not at all anxious to weaken the Bill. On the contrary, he desired to strengthen it, and he was of opinion that if the right hon. Gentleman would strike out some of the provisions of the measure and adopt the present Amendment he would very much facilitate the future progress of the Bill. The proviso, as it now stood in the Bill, enacted that the landlord should have power to object to the tenant sub-dividing his holding. What it really meant was not that the landlords objected to the sub-division of the holding, but that a troublesome landlord should have the means of levying fresh rents by saying —"I will not allow this transfer to take place unless I get a portion of the purchase money." The experience he (Mr. Biggar) had gained in connection with the North of Ireland was that a small holding would fetch a very much larger price in proportion than a larger holding; and all that was proposed by the Amendment was that the tenant should be able to sell that which really belonged to himself, and not to the landlord, and it was unreasonable that the landlord should have the power of putting a veto upon his legal right. If the sub-division of the holding were likely to injure the property of the landlord, he would not ask the Committee to accept his proposal; but in the North of Ireland there was a general concurrence of opinion that small holdings were an advantage to the tenant. The sub-division would often enable a tenant to divide the holding among the members of his family and relieve him of the necessity of employing labourers.

Amendment proposed,

In page 1, line 13, at end of line, to insert "unless when the yearly value of the holding exceeds thirty pounds, and so that neither the part sold nor the part remaining shall be of a less value than fifteen pounds per annum."—(*Mr. Biggar.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: I do not know, Sir, what motive the hon. Member has in again raising this question, and in a form which is even more open to objection on the part of those who do object to it than the propositions of which the Committee has already disposed. It is impossible for the Committee, after having already settled the question in two full discussions, to go back upon it.

MR. PARNELL said, the principle which the Amendment of his hon. Friend the Member for Cavan (Mr. Biggar) raised was practically the same as that which was raised by the Amendment of the hon. Member for Monaghan (Mr. Givan), which was very fully discussed by the Committee, and decided in a way that was adverse to the wishes of hon. Gentlemen on that side of the House. He regretted that extremely, because he considered that Amendment, and also the Amendment of his hon. Friend the Member for Cavan, exceedingly important; but the matter having been settled, he did not think they were entitled to raise the question in another form a second time. He would therefore ask his hon. Friend, under the circumstances, to consider the propriety of withdrawing the Amendment, and not occupying the restricted time of the Committee with its consideration. He did not desire, in the slightest degree, to throw any obstruction in the way of the measure. The Prime Minister had undertaken a very gigantic work, and certainly the Irish Members had no desire to obstruct him, although they did not believe in his success.

MR. BIGGAR said, that after the appeal which had been made to him by his hon. Friend (Mr. Parnell) he would not press the Amendment, although he was quite convinced that it was thoroughly reasonable. It was simply directed against one of the general principles of the Bill to which he strongly objected. The tendency of those general principles was to drive a great part of the people of Ireland out of the country.

Amendment, by leave, *withdrawn.*

CAPTAIN AYLMER, in moving, as an Amendment, in page 1, line 14, to omit the word "prescribed," and insert "two months," said, that the next sub-section of the clause provided that the landlord might purchase the tenancy on receiving "such notice;" and it was, therefore, necessary to define clearly what the notice was.

Amendment proposed, in page 1, line 14, omit "prescribed," and insert "two months."—(*Captain Aylmer.*)

Question proposed, "That the word 'prescribed' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) hoped the hon.

and gallant Gentleman would not press the Amendment. The Court, under the power to make rules, would, no doubt, prescribe a proper notice.

Amendment, by leave, *withdrawn.*

Mr. ERRINGTON said, the next Amendment on the Paper stood in his name, and its object was to secure the omission of sub-section 3 altogether. He felt that the Amendment raised a most important question; but he could not, at the same time, help feeling that almost any Amendment which gave rise to discussion and tended to retard the progress of the Bill was out of place. He believed, if he pressed the Amendment, that it would give rise to a protracted discussion; and he knew, further, that it was one of a class which Her Majesty's Government could not accede to. Therefore, as an earnest and sincere supporter of the measure, he declined to take upon himself the responsibility of initiating any discussion of the kind. He should not move the Amendment; but if anyone else did so, he should reserve to himself the right of explaining the reasons which had induced him to place the Amendment on the Paper.

Mr. A. M. SULLIVAN said, that, like his hon. Friend on the other side of the House (Mr. Errington), he was exceedingly anxious to assist the progress of the Bill by using the utmost possible brevity. Therefore, in the briefest possible terms, he would move his Amendment for the omission of the 3rd sub-section. One reason why he proposed to omit the sub-section, and to refuse to the landlord the right of buying up what was called the pre-emption of the holding, was that, later on, he had another Amendment, by which he proposed to give the landlord the right of sharing in any increase in the marketable value of the tenancy. He considered it unfair to the landlord that any increase of value should go altogether on one side and none of it on the other.

Amendment proposed, in page 1, line 16, to leave out all the words from "On," down to the word "thereof," in line 19 inclusive.—(*Mr. A. M. Sullivan.*)

Question proposed, "That the word 'On' stand part of the Clause."

The Attorney General for Ireland

Mr. GLADSTONE: I need hardly say, Sir, that this question of pre-emption in the hands of the landlord, as it has been termed, has been very much insisted upon in answer to those who state that the Government propose nothing at all to prevent the giving of the most extravagant rents for tenancies. It is further said that the tendency to do this is traceable in rare cases in Ulster, and it is alleged to be traceable to such an extent as to trespass upon the fair right of the landlord in regard to rent. I think we are bound to adhere to this right of pre-emption. The object of the sub-section is not to impose artificial limitations upon the value of the tenant right, but to enable the Court to interfere, if it should be of opinion that a price beyond the just and *bonâ fide* market value of the land, that it is proper to give and that a tenant could afford to give, has been offered, through the pressure of that extreme competition which is said to prevail for the possession of land in Ireland. At the proper point my right hon. and learned Friend the Attorney General for Ireland will move an Amendment to strike out the word "settled" in line 18, for the purpose of inserting the word "ascertained." The object of that Amendment is to provide and make it clear that the Court is not to exercise an arbitrary and unlimited discretion, but that it is to look into the facts of the case and ascertain what is the true and a reasonable market value of the land.

Mr. A. M. SULLIVAN said, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Mr. MACNAGHTEN, in moving, as an Amendment, in line 16, to leave out all the words of the clause after the word "notice" to the end of sub-section 3, and insert—

> "Being given, the tenancy may be purchased by the landlord for such price as may be settled by the Court, on the application of either party, in case the parties differ. In settling the price regard shall be had to what is fair and reasonable as between the parties under all the circumstances of the case.
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> "In the case of any holding not subject to the Ulster Tenant right custom, or any usage corresponding therewith, the landlord shall not be bound to accept a proposed tenant purchasing at a price exceeding that settled by the Court, on the application of the landlord or of the outgoing tenant, regard being had to what is fair and reasonable under all the circumstances of the case,"

said, that the Committee would perceive that the Amendment was divided into two parts — the first was general and extended to the whole of Ireland, applying to all cases where the landlord claimed the right of pre-emption, and giving the largest power to the Court to settle the price to be paid for the tenant right. The second part of the Amendment applied only to holdings that were not subject to the Ulster Tenant Right Custom, or to any analogous usage, and it provided that if the tenant was desirous of selling, either the landlord or the tenant should have the power of applying to the Court to fix a price for the tenancy; and it provided, further, that the landlord should not be bound to accept a proposed tenant purchasing at a price exceeding that settled by the Court. The object and the sum and substance of both Amendments were the same—namely, to place the Court in the position of an arbitrator, and to give it ample power to do justice in the particular case submitted to it. In considering this clause and most of the clauses that followed, it was impossible to shut their eyes to the probable constitution and character of the Court. That question had already been discussed, and he did not propose to re-open it; but, in justification of the votes he had already given, he desired to say that he was convinced that the Government, who were in possession of the views of the Committee in regard to the tribunal it was proposed to constitute, would give the people of Ireland the very best tribunal which, in their judgment, could possibly be devised for carrying the Act into operation. He was quite sure the Committee would grudge no expense that was not unreasonable and extravagant in order to establish a Court that would command the confidence and respect of the country. Then, if they had a Court which commanded perfect confidence, the freer that Court was left the better, It would be unwise to fetter it by strict rules, or to embarrass it by the use of any terms that might be misconstrued. His first objection to the sub-section as it stood was to the use of the word "value." He did not know that there was, in the English language, a word more likely to lead to argument. Where a thing had a recognized market value, or was to be put up for sale, it was perfectly intelligible; but in the case of an article which had no recognized market value and was not to be put up for sale, it would be very difficult to assign an exact meaning to the word "value." It might be construed to the detriment of the landlord; it was more likely to be construed to the detriment of the tenant. Then he thought the sub-section as it stood was open to another objection. When the Court had determined the "value" of the tenancy it would not have got what was wanted. There might be arrears of rent and claims for damages. How were they to be dealt with? The Bill made provision for dealing with those cases where the tenancy was sold to a third person; but it made no such provision where the tenancy was to be sold to the landlord. It could not have been the intention of the framers of the Bill that on a sale to the landlord any counter-claim or set-off on the part of the landlord should be the subject of a separate action and a separate proceeding. By his Amendment, he (Mr. Macnaghten) proposed to remedy this defect in the measure, and to give the Court power to determine that which was really the only practical question to be determined—the price which the landlord, desirous of purchasing, ought to pay to the tenant who wished to sell. The Amendment left the Court perfectly free to do complete justice under all the circumstances, because it said that—

> "In settling the price regard shall be had to what is fair and reasonable as between the parties under all the circumstances of the case."

He could conceive that some hon. Members might think that it would be desirable, in settling the price, for the Court to state what was the deduction that should be made from the full price in favour of the landlord. There could be no objection to add a few words to the clause making it compulsory on the Court to assess these deductions separately if it was thought necessary. So much for the first part of the Amendment. He now came to the second part, and he must admit that it would require consideration and that he did not propose it without a good deal of hesitation. But it appeared to him that there were certain cases in which justice could only be done by giving to the Court the power of fixing a price as between the outgoing tenant and any incoming tenant. The Committee would observe that the Amendment was strictly limited. It was limited to cases where the holding was not subject to the Ulster Tenant Right Custom or to any usage analogous thereto. He would first take the case of holdings, peculiar to Ulster, where the landlord had bought up the tenant right. What was to be done there?—and such cases were very much more numerous than many hon. Members would think. Of course, they might be excluded from the benefit of this part of the Bill altogether; but if not, it appeared to him only right that the Court should be called on to say what was the fair price which the right of occupancy in the absence of tenant right ought to bring. He would now take a case not peculiar to Ulster, and he would put it in the words of the Prime Minister himself. On the 7th of April the right hon. Gentleman, in introducing the present Bill, and in alluding to the great variety of cases that would have to be dealt with in Ireland, among other instances gave this—

> "You have the lands under-rented through the tradition of many estates, and in certain cases through the desire and perhaps with the express purpose of excluding tenant right and assignment."—[3 *Hansard*, cclx. 907.]

Now, he would ask the Committee what they were to do in these cases? Having regard to the object and scope of the Bill, he thought it would be unreasonable and unfair to exclude that large class of cases from the benefit of the Act. But if they left the tenant perfectly free to sell his new tenant right, the inevitable consequence would be that the landlords would be disposed to raise the rents, and that would be a greater hardship on the tenants than leaving it to the Court to fix the price to be paid for this tenant right, which they were now conferring for the first time. There were many other cases which might be put; but he had no wish to weary the Committee, and he thought he had said enough to show that there were cases which must be dealt with in an exceptional way, or else they must make a provision giving the Court full power of doing justice in the particular case which might be brought before it. The only other observation he desired to make upon the Amendment was that the words "regard being had to what is fair and reasonable under all the circumstances of the case" were not his words; but he found them in an Act brought in and passed by the Board of Trade in 1869—the Railways Abandonment Act—and he was told at the time that they were the words of the right hon. Gentleman the Chancellor of the Duchy of Lancaster. Whether that was true or not he did not know; but it seemed to him impossible to use any words that would more clearly confer on the Court the largest power of doing justice. He begged to move the Amendment of which he had given Notice.

Amendment proposed,

> In page 1, line 16, to leave out all the words after the word "notice," to the end of Subsection 3, in order to add the words "being given, the tenancy may be purchased by the landlord for such price as may be settled by the Court, on the application of either party, in case the parties differ. In settling the price regard shall be had to what is fair and reasonable as between the parties under all the circumstances of the case.
>
> "In the case of any holding not subject to the Ulster Tenant right custom, or any usage corresponding therewith, the landlord should not be bound to accept a proposed tenant purchasing at a price exceeding that settled by the Court, on the application of the landlord or of the outgoing tenant, regard being had to what is fair and reasonable under all the circumstances of the case,"—(*Mr. Macnaghten,*)

—instead thereof.

Question proposed, "That the words 'the landlord' stand part of the Clause."

Mr. A. J. BALFOUR said, he had an Amendment on the Paper previous to the one which had just been moved by the hon. and learned Member for Antrim (Mr. Macnaghten), but he had given way, although he thought that in some respects his was a better Amendment; and he certainly reserved to himself the power of discussing the present proposal, and of amending it so as to make it correspond with that which he had himself intended to move. The object of the Amendment was not to alter the Bill materially, but to render it more efficient in carrying out the object it professed to have in view. There was a great deal of ambiguity in the language used by the Government in regard to the question of free sale. The supporters of Her Majesty's Government—notably the hon. and learned Professor the Member for Southwark (Mr. Thorold Rogers) and the noble Viscount the Member for

Barnstaple (Viscount Lymington)—had recommended the Bill on the ground that it conferred free sale pure and simple. The whole of the speech of the noble Viscount the Member for Barnstaple—and the speech itself was much applauded by every Member of the Government—went to show that free sale benefited the tenant, and that it benefited the landlord even more. Therefore, the House was led to believe that the Government intended by the Bill to confer the benefit of free sale upon the tenant. But he observed that the right hon. Gentleman the Prime Minister, whenever the Bill was asserted to be a Bill for securing free sale, shook his head and expressed a vigorous dissent from that proposition. There was no doubt that the right hon. Gentleman was correct in doing so from his own point of view, because if the Bill gave free sale to the tenant it was as demonstrable as any mathematical proposition ever was that in every case where the tenant coming in bought the tenant right at a competition value, he would not escape suffering as much from the land hunger, which was now said to prevail, as the tenant who now paid the rent. The right hon. Gentleman saw that in the clearest manner, and as he had brought in the Bill avowedly for the purpose of checking land hunger, he, of course, felt bound to protest against the doctrine that it conferred the power of free sale. In consequence of the position taken up by the right hon. Gentleman, he (Mr. A. J. Balfour) had watched with great anxiety for the right hon. Gentleman to explain in what respect he imagined that free sale was limited by the Bill. The right hon. Gentleman did not shrink from that question, and he told the Committee that it was limited by the right of pre-emption given by the Bill to the landlord; and his (Mr. Balfour's) whole object, and, he presumed, the object of his hon. and learned Friend the Member for Antrim, was to make that limitation, not as it was now in the Bill, a mere farce, but a reality and a benefit to the landlord. He could not perceive how they limited free sale if they passed the Bill as it stood at present. The landlord would be compelled in every case to buy the tenant right himself, where too high a price was fixed upon it, and he maintained that that was too great a penalty to impose on the landlord. It might happen that several tenants were desirous at the same time of selling their holdings. The market price might be such that the landlord thought they would be sold for a much greater price than ought to be given. But suppose that the landlord's property was burdened with mortgages and settlement charges. In such a case the landlord would have to go into the market and borrow a sum of money for the purchase, equivalent to several years' rent. Surely that was not an obligation they ought to impose upon a landlord who, prior to the passing of this Bill, had done everything he could to prevent the right of free sale being exercised on his property. He therefore asked the Committee to give to the Court such powers as would make it as efficient in limiting free sale as it was to be in limiting fair rents; and he asked that facilities should be given to the Court in order to prevent the incoming tenant from getting an outrageous price for his tenant right, and they could only do this by giving the landlord the power of appeal to the Court in every case in which he thought fit, and obliging the Court to fix a fair price in order to prevent the abuse of free sale. That was really all he asked the Government to do. They had themselves, by giving the right of pre-emption, admitted the principle, and all he asked was that they would make it in practice as efficient as it was in theory. He certainly could not understand how the Government, from the point of view expressed by the Prime Minister on the second reading of the Bill, could refuse this right. He would reserve any Amendment he might have to make in the Amendment now before the Committee until a later period; but he wished to point out now, because he thought it would conduce greatly to the clearness of their understanding of the Amendment, that it would be of advantage to introduce some words to provide that whatever price might be openly or secretly given by the incoming tenant should in no case be deemed to be a fair price until it had been arranged and settled by the Court. It was impossible, he believed, for any legislative arrangements to prevent a price in excess being given secretly; but they might do much to discourage the practice.

Mr. LITTON said, the Amendment proposed by his hon. and learned Friend the Member for Antrim (Mr. Macnaghten) raised a question of very great importance. The Committee would bear in mind that there had already been considerable discussion on the 2nd line of the clause, which provided that the tenant for the time being of any holding might sell his holding for the best price that could be got for the same. It was of the greatest possible importance that when they were conferring the right of sale upon the tenant that that right of sale should be for the best price that could be got for it. It would be idle to say that the tenant should have the best price that could be got and then to make provision for limiting the best price that could be got. It was right to say that the landlord should not be compelled against his will to accept as a tenant a person who was objectionable to him, and, therefore, he had the right of pre-emption; but there was no reason why they should deprive the tenant who was anxious to sell of the best price that he could get. He concurred in the sentiment which had been expressed that the word "value" was not well chosen; but the principle on which the clause was framed was to allow the value, or the sum which the tenant was to get, to be fixed by the Court. Now, he thought that the price should be fixed by a public auction, and he had an Amendment on the Paper to this effect lower down. The public auction should be under the direction of the Court, and with such rules as might be prescribed. There were only two which should be kept in view—first, that the tenant should get the full value of his tenant right, and next that the landlord should not be mulcted by fictitious or fraudulent bids. If, then, the sale was carried out, and under such rules as the Court might prescribe, ample protection would be given to the landlord against having the tenant right unduly set up against him, and against having an extravagant price attached to the tenant right, merely for the purpose of injuring him in the interest he had in the property. But while they did nothing to deprive the tenant who had the right to sell the tenancy at the best price he could get for it, they ought not to compel the tenant to agree to what would amount to a mere arbitration before the Court as to the price of the tenancy—more especially if the clause, when amended, was to be still further limited by the Amendment of the hon. Member for Hertford (Mr. A. J. Balfour). The hon. Member for Hertford proposed to place such a limit upon free sale that the tenant would be unable to get the competition value of the holding. [Mr. A. J. Balfour: Hear, hear!] Then he (Mr. Litton) would submit that the tenant had a clear right to get the competition value, and any Amendment to the contrary would scarcely be in Order, seeing that the Committee had already passed that part of the clause which provided that the tenant should sell for the best price that he could obtain.

Mr. RITCHIE said, the hon. Member for Tyrone (Mr. Litton) contended that the tenant ought to be allowed to get the competition value of his tenancy. Now, the whole object of the Bill was to prevent the tenant being mulcted by the landlord in consequence of the hunger that was said to exist for the possession of land, and to prevent the landlord from obtaining the competition value of the land. Surely the same argument ought to stand good in preventing the tenant from obtaining the competition value of what he had to sell. There ought to be a clear understanding whether the Bill was intended for the benefit of all the tenants, present and future, or for the present tenants only. If it was intended only for the benefit of the present tenants of Ireland, by all means let them obtain the highest competition they could possibly secure; but if it was intended to remedy the grievances under which the tenantry generally suffered, then, by conferring the boon the Bill gave upon the present tenants only, they would entail upon all future tenants as large an amount of suffering as any that was now borne. For that reason they ought to endeavour to secure that the incoming tenant should pay only for the value he received. He remembered, in the Commission on which he had the honour to serve, that a gentleman came forward to give evidence who was an advocate for the "three F's" in their entirety; but in cross examination this point was put to him—"Do you think it fair that you should restrict the landlord in the matter of the rent which he is to be entitled to receive, in the interest of the tenant, and at the same time that you should allow the tenant to sell at the highest value he can obtain that which he has to sell?" This gentleman, who went before the Commission to advocate the "three F's" in their entirety, when this anomaly was pointed out to him, at once fairly said that it was an inconsistency, that he thought the outgoing tenant should have the same measure dealt out to him as the landlord, and that it was not just that the outgoing tenant should have the power of selling at the highest competition value what he had to sell, when the landlord was not allowed to obtain the highest competition value in the shape of rent. There was no difference of principle, that he could see, between the question of rent and the question of what the incoming tenant bought. It was precisely the same thing. There was, however, this difference, which, perhaps, might account for the action of Her Majesty's Government in the matter—that, in the one case, it was the landlord who would lose; while, in the other, it would only be some man who was not yet in existence—the incoming tenant. He was of opinion that the whole aim and object of the Bill would be entirely missed, and that the grievance under which the tenants undoubtedly laboured would remain unremedied if they allowed the outgoing tenant to obtain from the incoming tenant, owing to the desire of the latter to possess land, the very highest price it was possible he could obtain. He supported the Amendment, and he could hardly conceive that it could be seriously objected to, if the only object was to secure for the tenant that to which he was fairly entitled.

SIR GEORGE CAMPBELL said, if they admitted the principle of free sale at all, it would be utterly impossible to limit it, because, whatever restrictions were imposed, they would certainly be evaded. In his opinion, what happened with regard to the Ulster practice was a proof of this. It was well known that all attempts which had been made to hamper the free sale of tenant right in Ulster gave rise to immense dissatisfaction, and were also evaded. He observed that his hon. and learned Friend who moved this Amendment (Mr. Macnaghten) proposed to exempt the Ulster tenures from its operation—that was to say, he proposed to introduce limitations in regard to other than Ulster tenures. But that was hardly consistent. What was sauce for the goose ought to be sauce for the gander; and he (Sir George Campbell) contended that if they admitted the principle of free sale at all, it must be free sale regulated by the market value, and that they could not restrict it in any way. The proposal of the hon. and learned Member amounted to a radical change; and, as he preferred the Bill as it stood, he felt bound to oppose the Amendment.

MR. LEAMY said, there might be some grounds for limiting the sale of the tenant's interest if that interest had been created merely by that Bill, or by any Act of Parliament previously passed. He thought no one could deny that the portion of the tenant's interest which resulted from improvements made by himself—the outcome of his labour and capital, and for which he had received no compensation from the landlord—was as distinct from the property of the landlord as the landlord's property was distinct from the tenant's. They had been told that the right of appeal given by the Bill would afford the readiest way of ascertaining the value of this interest; but he (Mr. Leamy) submitted that the best and readiest way of doing it was to allow the tenant to sell his interest to the highest bidder, because there were improvements made on small farms, the effects of years of patient industry on the part of good tenants, which became part of the soil, or not to be distinguished from the soil, which it was impossible to register. It was impossible that the Court could estimate these improvements; and therefore, he repeated, the best and only way of dealing with them was to allow the tenant to sell them to the highest bidder. But in addition to the interest which the tenant created for himself, there was the interest which had been created for him by the Land Act of 1870. If the Court was to be allowed to fix the price at which the landlord was to be able to recover that interest from the tenant, he submitted that the Court should not go beyond; because, in the present position of the country, when so many tenants were in arrear, and the landlords had so many tenancies to sell, the landlords would be able to take up their farms at a less price than they would have to pay under other circumstances. It was said if they allowed the incoming tenant to pay too much for the goodwill of the former tenant, he would be in the position of a rack-rented tenant, because he would have to pay additional interest on the price of the goodwill. But as far as he (Mr. Leamy) could see, there was an important difference between the rack-rented tenant and the tenant who paid too much for the goodwill of his farm. The rack-rented tenant had everything to loose and nothing to gain by giving up his farm—he had no saleable interest; but the tenant who paid too much for the goodwill of his predecessor, and found out that his speculation was not a good one, knew, at any rate, that every pound which he owed to the landlord had to be taken off the interest which he could dispose of, and would, therefore, go to the market and endeavour to realize at the best possible price. The landlord could lose nothing at all by giving to the tenant the right of free sale. That portion of the tenant's interest which was created by his own improvements was his own property, and he contended that he had the same right to sell it as the landlord had to sell his property. But with regard to the interest created by the Act of 1870, which made the tenant a sort of co-partner with the landlord, he said, if they gave the Court the power to say what one co-partner should have for his portion of the interest, the Court should not also fix the proportion for the other co-partner. Because either the tenant had a distinct interest from the landlord's or not. He held that the tenant had a distinct property in his improvements, and that he had a right to dispose of them to the highest bidder, because the Court could not value them; and, further, that being a co-proprietor, he had the same right as the landlord to dispose of his interest.

Mr. MITCHELL HENRY thought that, whatever objections of a theoretical character there might be to the free sale of the tenant's interest, everyone who had paid attention to the subject must feel that if the right of the tenant to get the best price he could for his interest was restricted, the Bill might just as well be given up. Any restriction of this right would render the Bill nugatory in the eyes of the people of Ireland. He was aware of the evils which had arisen from the excessive sums sometimes paid for the tenant right; but he believed that in future these largs sums would no longer be paid; and the reasons for that belief he would lay before the Committee in a very few words. Nothing had puzzled him more, during the years he had studied the Land Question, than the difficulty of ascertaining why such excessive sums had been given for tenant right in the North of Ireland. But he had at last come to the conclusion that people, owing to the circumstances of the country, did not know the value of the sovereign. The Irish people had been in the habit of hoarding their money—putting it away in stockings and boxes, and, of late years, depositing it in the numerous banks which had been established in the small towns of the country at a very small rate of interest. The truth was, their eyes had been fixed upon the possession of a farm as the only means of obtaining a livelihood for themselves and families, and to obtain which they were willing to give any number of those counters, of whose real value they had no knowledge. Their case was quite different to that of Scotch farming. If you took the case of a Scotch farmer, it would be found that, as a rule, while he was waiting to purchase, or when he had spare cash, he made some judicious investment of his money in stocks, railways, or other securities. In Ireland, a man gave whatever it was necessary to give in order to get possession of a little plot of ground to live upon. But it stood to reason that when once he was made secure in his holding, and was made sure that he would be able to dispose of it, his attention would no longer be directed exclusively to agriculture as a means of living. He (Mr. Mitchell Henry) therefore looked to the passing of this measure for results of far higher importance and benefit to Ireland than the mere settlement of the question of tenant right. He believed that as soon as the tenant was relieved of the fear of the means of his livelihood being taken away from him, by inequitable raising of the rent on the part of the landlord, he would begin to seek for opportunities of using his money in manufactures and other enterprizes, and would never again pay for his small plot of land sums that he (Mr. Mitchell Henry) believed in one case had amounted to 70 years' purchase. The moment you fixed a fair rent for the farm, the right of free and unrestricted sale followed as a matter of course. If the landlord received the fair rent of the holding which he let to the tenant, surely the tenant had the right to get the best price he could for his interest from anybody who would in future pay the rent to which the landlord was entitled. The right of sale then, following as a matter of course, he (Mr. Mitchell Henry) said that tenants in future would not give the same price for it as in former years. The good effect of that would also show itself in better farming, because the excessive amount paid by the incoming tenant for the right of the outgoing tenant was an actual diminution of his means of working his farm. One reason, therefore, why he believed that Irish agriculture was in a backward state was on account of the large sums given for tenant right. The best chance of the Irish people becoming agriculturists under favourable circumstances was by allowing them to manage their own affairs, and by not being so anxious to interfere with every little detail in Irish life. Let the Irish people be treated less like children; allow them to sell that which belonged to them. If the hon. and learned Gentleman opposite (Mr. Macnaghten) had anything to sell, he would consider himself treated as a child if he were not allowed to dispose of it at the highest price he could get. For those reasons he objected to the Amendment of the hon. and learned Member for Antrim. No restrictions should be imposed on free sale, which was the logical corollary of fair rents.

MR. SYNAN said, it appeared to him that unless hon. Members confined themselves to the clause and the Amendments thereto immediately before the Committee the Bill would never be gone through. The question before the Committee was the right of pre-emption by the landlord of the tenant's interest. In what words was that conveyed by the clause? It said—

> "On receiving such notice the landlord may purchase the tenancy for such sum as may be agreed upon, or in the event of disagreement may be settled by the Court to be the value thereof."

The Amendment of the hon. and learned Member for Antrim (Mr. Macnaghten) expressed the same idea, with the difference that it substituted 20 words for every one made use of in the sub-section. To waste an hour of valuable time in making that unnecessary change appeared to him (Mr. Synan) unreasonable. The first part of the Amendment, then, fell to the ground, because it was already stated in the Bill. The second part of the Amendment provided that, outside Ulster, the landlord should not be bound to accept a tenant who had given more than the Court might settle for the price of the holding; and the extraordinary words were introduced that this was to be done "on the application of the landlord or the outgoing tenant." He would like to see an outgoing tenant going to the Court to say—"I am getting too much money from A. or B., and I apply to you to cut it down." But he could quite understand a landlord saying—"So-and-so is paying too much money for my farm, and I ask you to cut it down." The right of pre-emption he (Mr. Synan) contended was fixed by the clause itself in more accurate and perfect words than by the Amendment of the hon. and learned Member; and, therefore, he suggested that the Amendment should be withdrawn. He deprecated the discussion wandering into a question which had nothing whatever to do with the clause before the Committee. The Committee had already conferred on the tenant the right to sell his interest to another for the best price he could get, and therefore the last part of the hon. and learned Member's Amendment had no meaning whatsoever.

MR. BRODRICK said, the discussion upon the Amendment might travel over a very wide ground, and, with the view of shortening it, he would suggest that the Government should express an opinion upon the question. He ventured to remind the Committee that the Irish tenants were, as a body, not quite such simpletons as the hon. Member for Galway (Mr. Mitchell Henry) supposed, and he would also remind the hon. Member, who had also said that security of tenure would prevent their giving such large prices as had hitherto been paid, that the arguments adduced in the course of discussion had proved to hon. Members on that side of the House that in places where the tenure was really secure a larger price was obtained for the interest of the tenant owing to the very security of tenure which existed. Therefore, he thought that in connection with a Bill which proposed to give to the tenants further advantages in this direction, they might ask the Government to what extent they intended to put a stop to the land hunger which otherwise must eat into the pockets both of the landlord and the tenant. Again, in ascertaining the value of improvements, two things had to be taken notice of — the improvements made by the tenant himself, and those made by the landlord. If, then, the tenancy was to be sold in open market, he denied that the tenant, as the Bill stood, could be prevented selling the landlord's improvements as well as his own. Some limitation was therefore necessary for the protection of the landlord. The Government, however, proposed to let the tenant go into the open market, no matter whether the improvements had been made by him or by the landlord. [Mr. GLADSTONE dissented.] The Prime Minister shook his head. As the matter stood at present, the words before the Committee were that the tenant might sell at the "best price," and no limitation had been placed upon them. Therefore, he trusted some explanation of this point would be afforded. It seemed to him that some authority must value for the tenant on one side and for the landlord on the other with respect to improvements, so that there might be the means of ascertaining their separate shares in the tenant right, otherwise injustice might be done.

MR. PUGH said, he was sure the Committee would not agree to any provision which would give the tenant less than the fair value of his tenant right; but then came the question, what was the "fair value?" He agreed that it was not desirable that the word "value" should be retained, supposing that other words could be introduced which would represent fairly what the Government wished this provision of the Bill to be. The Prime Minister had stated that he would put in the word "ascertained" instead of "settled" in line 18. He (Mr. Pugh) would suggest that the wording "as shall be ascertained to be the fair price thereof" should be adopted.

MR. A. M. SULLIVAN said, he had withdrawn his Amendment for the omission of this sub-section, on hearing from the Prime Minister that it was intended to put in the word "ascertained;" because he thought that by the adoption of that word it would be open to the Court to find means of doing justice between the two parties; but he regretted to find that hon. Members speaking on behalf of the landlords had disclosed a very painful desire to prevent the tenant getting more for his interest than they thought it would be good for him to receive. [Lord ELCHO: Hear, hear!] The noble Lord near him (Lord Elcho) cheered the sentiment that the incoming tenant ought to be protected from giving too much for the outgoing tenant's interest, on the ground that it would leave him without the means of working the land. But if they were to propose to restrict the landlord in selling the fee simple of his estate on the ground that it would be dangerous to create a race of landlords who paid too much for their property, he was quite sure the noble Lord would be the first to propose that the landlord should go into the Incumbered Estates Court and run up the price. It was only when the case of the tenant was dealt with that this suspicious sympathy for the incoming tenant broke out on the Opposition Benches. He (Mr. A. M. Sullivan) would appeal to the hon. and learned Gentleman who moved this Amendment (Mr. Macnaghten) to say whether it did not mean that in Ulster there was to be no restraint—in other words, whether he did not intend that the sauce for the Ulster goose was not to be the sauce for the Munster gander. The proposal of the hon. and learned Member was that the Ulster Custom should not be extended; and it was so absurd that there must needs be a new ground of objection to the incoming tenant besides that stated in the Bill itself—namely, that the purchaser must be a man of good character and ample means. The hon. and learned Member proposed that even when a man fulfilled those conditions, if he paid, say £2 10*s*., more for the outgoing tenant's interest in the farm than the landlord conceived to be right, the landlord should not be bound to accept him. That was reducing things to absurdity, and he trusted that no further time would be wasted upon the proposal of the hon. and learned Member.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Amendment of his hon. and learned Friend opposite (Mr. Macnaghten) consisted of two parts, which had no real connection with each other, and had better be considered separately. The one was intended to regulate the action of the preemption clause with which they were now dealing; whilst the other was part of the question whether, in ordinary cases, the tenant was to get the best price for his tenancy. The first part of the Amendment seemed to mean precisely what the Bill meant. He took it that his hon. and learned Friend intended that where the landlord came to buy the tenant's interest he was to do so at the full value. He would like to hear from his hon. and learned Friend what he regarded as a fair and reasonable price as between the parties. Did he mean that it was anything less than the true and fair value of the interest? He (the Attorney General for Ireland) presumed he did not mean that either in Ulster or elsewhere, when the landlord came to exercise his right of preemption, that he was to get possession of the tenancy for anything less than its true value. His hon. and learned Friend said he did not like the word "value." He (the Attorney General for Ireland) did not himself see any objection to it. He took it that his hon. and learned Friend did not think that the tenant should get from the landlord less than he would receive from a perfectly solvent and unobjectionable tenant. But, taking the case of an Ulster tenancy, and knowing the irritation which Office rules had caused in Ulster, was the hon. and learned Member willing that these arbitrary rules restricting prices should be swept away? If so, it appeared to him inexpedient and unjust to seek to impose in the three other Provinces the cause of irritation which had existed in Ulster. Again, there were two words at the end of the first part of the Amendment which he should like his hon. and learned Friend to explain. It appeared that the Court was not merely to assess what was fair and reasonable under all the circumstances of the case, but what was fair and reasonable "as between the parties." Now, he was somewhat suspicious of those words, which seemed quite capable of re-introducing, under cover of their vagueness, the Office rules they meant practically to abolish, although he was quite sure his hon. and learned Friend meant nothing of the kind. With regard to the second part of the Amendment, he could hardly think his hon. and learned Friend was serious in proposing it. They had already agreed that the tenant should sell at the best price; but the hon. and learned Member now proposed to introduce an alteration into the clause which amounted almost to a contradiction in terms. The exception must not be as large as the rule. He agreed with what had been said by an hon. Member opposite, that many improvements might be effected on small farms which never could be paid for by way of compensation for improvements under the Act of 1870. The only effectual way in which the tenant could be secured compensation for these was by enabling him to sell his tenancy as provided by the Bill. If the tenant's price was extravagantly high, the landlord could buy at the price fixed by the Court—which was to be the fair market value of the holding, excluding fancy prices. On the whole, he thought the clause as it stood was quite right, and he hoped the Committee would adhere to it.

MR. GIBSON said, he had listened with much interest and some surprise to what had been stated by his right hon. and learned Friend the Attorney General for Ireland. He was rather disposed to think the Government had re-considered their views with reference to Clause 1 of the Bill, and that the statement put forward by the Prime Minister in his opening address had, on further thoughts, been substantially qualified. Much of the reasoning of the right hon. and learned Attorney General for Ireland pointed to an unqualified acceptance of the Amendment of the hon. and learned Member for Antrim (Mr. Macnaghten). The Amendment meant that the true and genuine price, setting aside anything like a *pretium affectionis*, a fair, reasonable price should be measured and settled by the competent tribunal in the case of the landlord, as well as of the tenant. If the Amendment was not accepted, it would make the landlord's right of pre-emption almost worthless. If the parties agreed in their price there would be no question; but if they differed this Amendment said the Court should, having regard to the interest of all parties and the circumstances of the case, settle what was a fair price. He quite agreed that between the existing draft of the Government Proviso and the first part of the Amendment there was not much difference. The word "price" was used instead of "value;" but the unequivocal right of entering the Court was given to the landlord; and the Court, in settling the fair price, was to have regard to the interest not only of the tenant, but of the landlord. With reference to the second part of the Amendment, it was said that this was not the proper part of the Bill for bringing it in; but that was not a satisfactory way of grappling with the principle which it contained. On the contrary, he (Mr. Gibson) thought this was a fair place for introducing it. Even as the Bill stood it enabled the parties to measure the price to be paid by the landlord in case of pre-emption. The second paragraph went further, and sought to introduce this most important incident—that the landlord, if he did not desire to become the purchaser himself, should be enabled to invoke the machinery of the Court to say what——having regard to the interest of the holding, the interest of the future tenant, and the interest of the landlord—was to be a fair price paid, so as to obviate the probability of the incoming tenant being ruined by the payment of a *pretium affectionis*. Could anyone say, on looking at the Amendment of the hon. and learned Member for Antrim, that it did not suggest every condition that was fair, reasonable, and just between man and man? There had been a substantial change in the intentions of the Government between the introduction of the Bill and the present time. The Prime Minister, in introducing the Bill, said—

> "If a Court is to be called on at the will of the tenant to limit the annual receipts of the landlord and to fix what, in this Bill, we call a Judicial Rent, then I do not see on what principle you shall say that the tenant right of the tenant is to be subject to no similar and analogous limitation."—[3 *Hansard*, cclx. 904.]

They cut down the landlord's judicial rent and took care that the landlord's receipts should be limited; but they still left it open to anyone to pay an extravagant sum for the tenant right. What the Amendment of his hon. and learned Friend sought to do was to give legal effect to the words of the Prime Minister. To-night both the Prime Minister and the Attorney General for Ireland had said that it was desired not to bind the Court by the word "settled," and that what was sought to be given to the Court by the use of the word "ascertained," instead of "settled," was the power to arrive at the true maket value of any particular holding. But it was obvious if they left the word "settled" out of the clause, and employed only the word "ascertained," there would not be one solitary syllable in the clause to indicate that there was any discretion given to the Court to give effect to the fair and reasonable words in which the Prime Minister introduced the Bill. Now, what did the Amendment do? It practically made the right of pre-emption impossible, because what would happen? The landlord would go into Court, supposing the parties differed, and would say—"Unfortunately we differ; I desire to purchase this holding either for myself or for a new letting, or for some reason which is sufficient to my mind." But the tenant would be able to adduce plenty of evidence for the purpose of measuring the price the landlord should pay in the exercise of the right of pre-emption. Was there a single sane man who had a shadow of doubt that the tenant would produce witness after witness who would swear he would give three times the amount the landlord offered? So by the rejection of the Amendment and by the substitution of the word "ascertained" for "settled," they were really killing the right of pre-emption which they had given previously; they were taking away from the Court the power of protecting the incoming tenant from giving a price which might absolutely pauperize him. He looked upon the refusal of the Amendment and upon the substitution of the word "ascertained" for "settled" as serious evidence that the Government were about to weaken the safeguards which they intended originally to rely upon.

Mr. GLADSTONE said, the right hon. and learned Gentleman (Mr. Gibson) had directed his arguments against a thing which was not in the Bill as it now stood. He had made no objection whatever to the 3rd sub-section as it was now in the Bill; but he had said that it was proposed to substitute "ascertained" for "settled," and this would make a fundamental change in the meaning of the 3rd sub-section. That was not the view of the Government at all, and if that was the objection of the right hon. and learned Gentleman why did he not endeavour to overthrow the whole of the 3rd sub-section. But let them consider what was the force and effect of the word "ascertained." They did not admit, in the slightest degree, that the introduction of the word "ascertained" would have the effect of excluding the direct discretion of the Court as to inquiring into the circumstances of the case, and ascertaining whether the price offered was a reasonable or an outrageous bid for a farm. He (Mr. Gladstone) was greatly at a loss to understand the exact meaning and bearing of the Amendment. The two subjects touched upon by the Amendment were totally distinct, for in the first part the hon. and learned Member for Antrim (Mr. Macnaghten) dealt with the pre-emption of the landlord, and in the second part he introduced a proposal totally unknown to the Bill, and entirely apart from the first proposal —namely, the proposal to lay down certain rules which should operate in cases where the landlord did not exercise his right of pre-emption. It would be much better if they were to consider the question with reference to the Bill as it stood in the first instance, and see what reasons there were for displacing the 3rd sub-section. He objected to the Amendment because it was entirely wanting in the provision of any reasonable test by which the Court was to conduct its investigations. He denied that there was any change of intention at all on the part of the Government since the time when he used the words, which he believed the right hon. and learned Gentleman (Mr. Gibson) had correctly quoted. Let them set aside all fear with regard to the landlord's improvements. The hon. and learned Gentleman (Mr. Macnaghten) seemed to imagine that the tenant would be able to sell the landlord's improvements. They had made provision against that, and if it was insufficient they would endeavour to make it otherwise. The tenant had no more right to sell the landlord's improvements as part of his tenant right than he had to sell the fee simple and raw material of the soil. Let there be no misunderstanding upon that point. In their view the business of the landlord was to look after his own improvements and take a just rent upon them. The tenant, however, would have a right to sell his own improvements, and he would have the right to sell the security of tenure, such as that tenure should be determined by the present Bill. Those were the elements of tenant right, and the principle the Government adopted was that the general test of the value of the tenant right would be what it would fetch in the market. The right hon. and learned Gentleman (Mr. Gibson) had said the tenant was entitled to a true and genuine market price, setting aside anything like a *pretium affectionis.* It would be the function of the Court to examine whether there was any *pretium affectionis,* and if there was, undoubtedly the Court would have the right to set it aside. He owned he could not comprehend the objections that were taken to the 3rd sub-section, except so far as they turned upon the word "value." If they said it should be the duty of the Court to ascertain the value, they would allow the Court to perform that function which they had described as properly belonging to it; but as to the general words of the sub-section, he failed to gather from his hon. and learned Friend the Member for Antrim, or from the right hon. and learned Gentleman opposite, any reason whatever for displacing those words, which appeared to the Government perfectly clear and simple, and direct and sufficient for the purpose intended. He hoped the Committee would support the clause.

Mr. MACARTNEY said, he had listened very carefully to the arguments in favour of the Amendment of the hon. and learned Gentleman the Member for Antrim (Mr. Macnaghten), and also to the arguments against it; but he could not see what good purpose would be served by any alteration of the clause. If the Committee went to a division he should therefore, with great regret, feel himself obliged to vote against the Amendment.

Question put.

The division was about to be taken when——

Lord EDMOND FITZMAURICE, seated and with head covered, said, he wished to call the Chairman's attention to the fact that he had not read the Question in precisely the same terms as it was read before the division bell rang; and he desired to ask, as a point of Order, whether it was competent for an hon. Member to raise two separate questions, as had been pointed out by the Prime

Minister, on a single Amendment? The first paragraph of the Amendment raised a totally different question from that raised by the second paragraph.

THE CHAIRMAN said, he first read "on receiving such notice." He found these words were not required, as the Question was more concise without them, though it remained practically the same. With regard to the second point raised by the noble Lord, he had to say the hon. and learned Member for Antrim (Mr. Macnaghten) had asked leave to withdraw the second part of the Amendment; and he (the Chairman) was not sufficiently a lawyer to be able to determine the legal differences as counsel learned in the law differed on both sides.

The Committee *divided*;—Ayes 193; Noes 130: Majority 63.—(Div. List, No. 239.)

MR. HEALY said, he had an Amendment on the Paper:—In page 1, line 16, to leave out from the word "landlord" to the end of the sub-section, and to insert—

> "Will have the right of pre-emption, provided he offers as high a price as the tenant might or could obtain from any other person in a sale, whether by public auction or otherwise."

After what had taken place, however, he thought it would not be desirable to press the Amendment. Looking at the length of time which had been already taken up by the discussion of this subject he would withdraw his proposal.

Amendment, by leave, *withdrawn.*

MR. LALOR said, he had an Amendment on the Paper to enable the landlord and tenant to make a bargain. Tenants did not object to pre-emption on the part of the landlord, provided the landlord obtained it on fair terms; but they were averse to any interference of the Court in the matter, and they believed that no one could be better judges than the tenantry in the neighbourhood of the farm. There could be no doubt that if the landlord and tenant had to go before the Court they would bring forward conflicting evidence. The landlord would produce evidence in the attempt to lessen the value of the land, and against that the tenant would bring evidence to increase its value, and the Court would have to choose between the two. It would have no special knowledge of its own of the subject, and it would be extremely difficult, if not altogether impossible, to form a correct opinion of the value of the land. There was a phrase which had been extensively used in the House—namely, the "land hunger" of Ireland. No doubt, there was a land hunger, which arose, not only for want of land, but from the fact that the people were unable to invest their capital in the land——

THE CHAIRMAN: Is the hon. Member confining himself to the first Amendment, for he has two on the Paper? It is not competent for him to discuss the second one now.

MR. LALOR said, he was endeavouring to show that there was no fear of over-competition for land, and that the tenant had no objection to the landlord's first purchasing if he would do so as another tenant would buy it. There was no fear of his purchasing it over the proper value. He would submit his Amendment to the Committee without further statement.

Amendment proposed, in page 1, line 17, after "upon," insert "by landlord and tenant."—(*Mr. Lalor.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought the hon. Member (Mr. Lalor) must see that the Amendment, if accepted, would not make any difference in the Bill. There could be only two parties to an agreement—namely, the landlord and the tenant; and the clause, therefore, fully provided for the object of the hon. Member's Amendment.

Amendment, by leave, *withdrawn.*

MR. LALOR said, his next Amendment was to leave out, in line 17, from "upon" to the end of the sub-section. He would submit to the Committee that it would be a fairer and more practical manner of settling the matter to allow the tenant fairly and honestly to sell his interest in the open market.

Amendment proposed,

> In page 1, line 17, to leave out from the word "or," to the word "thereof," in line 19, inclusive.—(*Mr. Lalor.*)

Question proposed, "That the words 'or in the event of disagreement' stand part of the Clause."

Mr. GLADSTONE was sure the hon. Member would not deem it a mark of disrespect to him if he (Mr. Gladstone) said that the Government could not accept the Amendment. It would entirely destroy the sub-section.

Mr. LEAMY said, he had much pleasure in supporting the Amendment for the very reason given by the Prime Minister for its rejection—namely, that it would destroy the sub-section. The Land Act of 1870 had left it a matter for dispute amongst lawyers whether or not the tenant had any interest in his holding; and he would remind the Prime Minister and hon. Members in favour of retaining this clause, and those who were acquainted with the condition of the farming class in Ireland, that if they established a tenant's interest in his holding, the tenants would never be satisfied until they had a free right to dispose of that interest. He did not think the clause, as it stood, would do the landlord much good; but it would, on the other hand, leave ground for contest and future agitation in Ireland. He did not intend to repeat what he had said in speaking on the former Amendment; but with reference to the argument which had been largely dwelt upon, that they would allow the Court to limit the rent which the landlord must receive, he would ask why was it that the Court was called on to do this? Was it not the fact that when they had allowed the landlord the right to rack rent they had allowed him to eat up the tenant's interest? They said it was utterly absurd to recognize that interest if they did not give some safeguard and protection, and that they gave that when they took away the landlord's right to eat up the interest. This was the only opportunity they would have at that stage of the Bill of making their protest against this limit to the right of sale. They were now, beyond all dispute, establishing a tenant's right in his holding, and they who had been fighting this battle so hard up to this knew that the tenant never would be satisfied until he had the right of disposing of his interest with perfect freedom.

Mr. HEALY said, he would not advise the Irish Members to go to a division on this Amendment. They were not responsible for the Bill, and they did not believe in the clause now in the sub-section. The responsibility for the Bill rested upon the Government, and the Irish Members should not do anything to take up the time of the House for even five minutes, and so take from the Government the smallest amount of responsibility. As the Government described the Bill as a magnificent one, and declared this sub-section to be perfection, he would invite his hon. Friend not to press the Amendment. Let the Government pass the Bill in its present shape, and let hon. Members wait and see what came of it.

Mr. LEAMY said, he was not particularly favourable to the Bill. He did not vote for the second reading; but he felt it to be his duty to propose, or support, or discuss, Amendments which went in the direction of the principles which he believed the people of Ireland wished to have embodied in the Bill. They should be able to say to their constituents when they went back to them —"You know what the Bill was when it went before the Committee? We endeavoured to amend it, and it was not our fault that it was not improved." They would not say that unless they supported such Amendments as that before the Committee; therefore, he hoped that a division would be taken.

Question put.

The Committee *divided*:—Ayes 123; Noes 20: Majority 103.—(Div. List, No. 240.)

Mr. LITTON, in rising to move the Amendment of which he had given Notice, said, the question of sale by public auction was of great importance, not only in the North of Ireland, but in every part of the country. Having regard to the early words of the Bill, that the best price that could be had for the holding was the price which the tenant had a right to secure, it should be open to the tenant to sell by auction, subject to such rules as the Court might lay down. In Ulster, before the Estate Office rules had crept in to eat up the tenant right, it was the invariable practice to allow the tenant's interest to be sold by public auction. In the evidence taken by the Commissioners on the Land Question, it had been over and over again stated that the Ulster Custom itself was the privilege of selling to the highest bidder at a public sale. New rules had crept in, however, and the claim of the incoming tenant was limited to three or five years in many cases. The Office rules, which had from time to time been forced on the tenants, in the end deprived them of this free sale by public auction. This was a fair test of the value; therefore, he would respectfully ask the Committee to consider very carefully whether or not this was not a fair demand on the part of the tenant. The last division was one which, in some respects, tested the feeling of the Committee; but he did not think it tested it to the full extent, because the Amendment did not propose to substitute public sale or any other machinery by which a fair rent could be ascertained. The present Amendment, which he would now move, was viewed with very great interest in Ulster and elsewhere; and, moreover, it was entirely within the principle of the Bill.

Amendment proposed,

In page 1, line 18, to leave out from the word "disagreement," to the end of sub-section, in order to insert the words "the holding shall be sold by public auction under the direction of the Court, and such rules as may be prescribed,"—(*Mr. Litton,*)

—instead thereof.

Question proposed, "That the words 'may be' stand part of the Clause."

Mr. BIGGAR, referring to the argument as to several years' purchase, pointed out that it was not the case that men who purchased could always get 5 per cent for their money, and the result was that what appeared to be a great many years' purchase, if the money were valued at what it would bring in the market, would not amount to a very great increase in the rent payable. It was, therefore, fallacious to imagine that tenants gave more than the holdings were worth. Then, again, the landlords might offer evidence that such and such a price was the price that the land sold for before the Act, and so would get possession of the land at the price for which it would nominally have sold, when in reality, if the tenant had the power to sell, he would have got the sum usually paid now, in addition to the nominal price. Of course, the landlord would run a risk, at an auction, of having the value of the property raised by fictitious bidding; but he would, no doubt, avoid that by having some person bidding for him who was not known to be bidding for him. That would be as good for the landlord as for the seller, and if the landlord bid for himself, and offered a big price, it was doubtful whether any other person would give a full bid, because if he outbid the landlord, the landlord would not be on friendly terms with him. He thought the landlord would gain more by public auction than he would lose, and altogether public auction would be the fairest way of selling the property. If the market were dull, the landlord would get a low price; but if it were brisk, he would get a good price for his reward.

Mr. FINDLATER said, the result of the discussion upon the Amendment was looked forward to with the deepest interest in the county he had the honour to represent (Monaghan). His (Mr. Findlater's) Catholic constituents looked with great suspicion upon any provision which would enable the landlord to become possessed of his tenant's holding for any amount less than the fair market competition price. He was sorry to say a very strong and bitter sectarian feeling existed in the county; and as the great majority of the tenants were Roman Catholics, they naturally and properly entertained the greatest dread, from their experience of the past, that if the landlords got possession of their holdings upon easy terms they would be removed, and replaced by a solely Protestant tenancy. They had no confidence whatever that fair play would be afforded to them, and therefore he hoped his hon. Friend would press the Amendment to a division. As the Government would not deprive the landlord of the right of pre-emption altogether, they should press that that privilege should be only exercised at the same price as an ordinary purchaser would pay in the open market. They were, in his humble opinion, entitled to that protection, and on their behalf he should insist upon it.

Mr. GLADSTONE said, the objections which applied to the previous Amendment applied equally to this, and that great hardship would be inflicted on the tenant if he were bound to dispose of his tenant right by auction. It was a mistake to suppose that a favour was always conferred on a vendor by telling him he might sell by auction, for, in many cases, attempts to sell by auction failed, and the only practical method was sale by private contract.

Mr. CHARLES RUSSELL recognized the desirability, in certain cases, of sale by auction; but he would suggest, as a compromise between his hon. Friend (Mr. Litton) and the Government, that the Court should have the power to decide whether a public auction should take place or not. The Government could not wish that the landlord should get the thing for less than it was fairly worth in exercising his right of pre-emption; and, therefore, if the Court thought the best way to ascertain the true value would be by public auction, they should be able to order that course to be taken.

Mr. BIGGAR supported the suggestion of the hon. and learned Member for Dundalk (Mr. Charles Russell), observing that if the Court had to decide the value it might be that high estimates would be given for the one side, and low estimates for the other. The Court could not test the accuracy of these estimates, and if the Court had the power to direct a public auction, that would be the best way of deciding between the parties.

Lord GEORGE HAMILTON wished to ask the right hon. and learned Gentleman the Attorney General for Ireland whether the regulations contained in this section applied to the Ulster Custom or not? It seemed to him that they did not apply; and, if so, the arguments of the hon. Members fell to the ground.

Mr. LITTON said, the noble Lord the Member for Middlesex assumed that the last part of the section was to stand as it was; but an effort would be made to introduce words protecting the tenants from the Office rules.

Mr. CARPENTER-GARNIER hoped the Government would not accept the Amendment, for the Court might shirk the responsibility of deciding whether or not there should be a public auction.

Sir ANDREW LUSK thought the best way to decide what the best price was would be by public auction; for the Court would not be a good valuer of the property. He, therefore, thought the hon. Member's (Mr. Litton's) proposal was a good one.

Mr. HEALY suggested that power should be given to the Court to sell the property by public auction, if necessary.

The ATTORNEY GENERAL for IRELAND (Mr. Law) objected to the proposal, pointing out that if the landlord was bound to buy at a price fixed by public auction it would be equally absurd and unjust. An auction implied several possible purchasers; but here there could be only one—namely, the landlord, so that all other bidders must be unreal. They would, in fact, be merely so many "puffers," and bidding, too, without incurring any liability. The system of auction, in short, was totally inapplicable to such a case as they were now providing for.

Mr. M'COAN argued that the only way to ascertain the fair value would be by competition, and it would be well to leave the Court the discretion suggested. If some concession was not made to the strong feeling prevailing in Ireland there would be great discontent.

Mr. THOMASSON thought there need be no objection to the Amendment if the landlord had the power to go to the Court to get the rent fixed.

Question put.

The Committee *divided*:—Ayes 102; Noes 29: Majority 73.—(Div. List, No. 241.)

The ATTORNEY GENERAL for IRELAND (Mr. Law) moved, as an Amendment, in page 1, line 18, to substitute the word "ascertained" for the word "settled."

Amendment proposed, in page 1, line 18, to leave out the word "settled" in order to introduce the word "ascertained."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That the word 'settled' stand part of the Clause."

Lord RANDOLPH CHURCHILL thought there was more in the Amendment than met the eye at first sight. Why should the Government want to alter their own original word, and substitute a word which, as far as he (Lord Randolph Churchill) could make out, had been suggested to them by a Gentleman on that (the Opposition) side of the House belonging to the Party of the hon. Member for Cork (Mr. Parnell)? The word "ascertained" was obviously very different from the word "settled," and even the word "settled" was in itself a word to which objection might be taken, as applied to the decision of a Court of Justice. In his opinion, the proper word to have put into the clause, considering the nature of the Court that was to be constituted, was the word "ordered," or the word "adjudged." "Settled" was not in itself sufficiently strong to apply to a Court with such illimitable jurisdiction as this Land Commission, and "ordered," or "adjudged," would be a great improvement. But he should not have raised any objection to the word "settled" if it had not been for the new proposal of the right hon. and learned Gentleman the Attorney General for Ireland. The word "ascertained," substituted for the word "settled," really meant to deprive the Court of a certain amount of its own individual power of judgment. The Court was to ascertain the price of the land, and it could ascertain it by the only means open to it—namely, by hearing evidence. The power of "ordering" the price was taken away, because it would have to be "ascertained" by evidence that the price which ought to be given for the land was such-and-such a price. ["Oh, oh!"] The hon. and learned Solicitor General for Ireland (Mr. Johnson) appeared to be a little contemptuous in regard to this contention; but it was perfectly certain that the hon. and learned Gentleman would be capable of raising a very ingenious argument to show that the word "ascertain" virtually limited the discretion of the Court. It was quite clear that when the Court was called upon to fix the price evidence would have to be taken on both sides. The tenant would, no doubt, bring evidence to show that certain people would give a certain price for the holding; and, in all probability, in some instances, the price offered would be an extravagant and fancy price. The landlord would bring counter-evidence to say that such a price would not be given by a solvent tenant; but everybody knew how difficult it was to prove such negative statements, and to establish the fact that the price offered was one which an intending purchaser could not pay. If they left in the word "settled" the Court would be bound to come in, provided that the Court was composed of persons who were as competent to arrive at a conclusion as to the value of the land as any witnesses who might be examined. The chances were that there would be a battle in the Court between different persons who professed to be acquainted with the value of the land; and it was therefore obviously of enormous importance that there should be no doubt whatever that the Court should be able to exercise its own individual judgment, guided, no doubt, and influenced by the evidence, but also, if necessary, quite irrespective of the evidence. He thought he was able to explain the difference between the two words pretty clearly by giving, as an illustration, what frequently happened in regard to works of art—especially old pictures. The best known pictures in this country, and indeed in Europe, were all catalogued and valued in Smith's learned and exhaustive catalogue. That catalogue, as a rule, settled the value of the works of the greatest artists; but if the same pictures were brought to the hammer at Christie & Manson's auction room, the value was ascertained by the price given for them, and it by no means followed that the price tallied with the value given in Smith's Catalogue. The sum actually paid was frequently much higher than that which was catalogued; and, in one sense of the word, the true value of a thing was what it would fetch. In an open auction anybody could bid what he liked; but there was another value in regard to a farm, and that was what it ought to fetch, if the man who bought it was to be in a condition to carry on the business. The word "settled" would apply to one description of purchaser, and the word "ascertained" to another. It was not at all clear; and he hoped, in the absence of the right hon. and learned Attorney General for Ireland, the hon. and learned Solicitor General would give an opinion upon the point—it was not at all clear that if they inserted the word "ascertain" they would not empower the Court to order the sale of the property. They said that the Court was not to "settle" the price guided by its own judgment, but it was to "ascertain" the value by whatever evidence it could obtain. It was clear that evidence might be brought before the Court both by the tenant and by the landlord of an extremely conflicting nature—so conflicting, indeed, if they adopted the word "ascertain," that it would be almost impossible for the Court to arrive at a decision. In such a case the Court might say—"We cannot, from the evidence, decide the value of this tenant right. We will put it up to auction." The right hon. and learned Attorney General for Ireland said that was absurd, because there was only one buyer, and that was the landlord. But the Court might say—"We will put this tenant right up to auction, and the highest price bid for it will be the value of the farm; and if the landlord will not purchase at that price, then the highest bidder will have it." The Committee must recollect another thing. The Chairman of the county might be appealed from to the Land Commission, and the Commission might decide, in the event of the landlord refusing to purchase, that the highest bid was the true value of the tenant right, without the Court being called upon to settle, order, or adjudge. Was that course impossible under the word "ascertained?" The Court might be a learned and a weighty Court; but the Land Commission might delegate its powers to any single individual in Ireland, and there would be no appeal from the decision of that sub-Commissioner. It was not improbable that he might say—"I have inquired into the question; but I cannot come to a conclusion, and I will order a sale." Thus, if such a course were not taken by the Land Commission themselves, it was one which might be taken by their agent. Therefore, upon these points he was not at all clear that even the hon. and learned Solicitor General's opinion would be of such enormous value as to satisfy the Committee that the Court would not have power to order the sale of the land. It was perfectly certain that if they left in the word "settled" it would never occur to any human being that the Court had power to order a sale. But if they substituted the word "ascertain" they would give the Court the power of arriving at a larger and wider interpretation in regard to what might be called the "fancy price" which might be offered for the tenant right, and they would put it in the power of the Court to consider favourably a fancy price for the tenant right. He was perfectly certain that the word "ascertain" had not been suggested merely for verbal reasons, or to give greater elegance to the language of the clause, or from any small or trifling reasons. The Prime Minister, as a rule, was too fond of his own English and his own sentences to part with any phrase lightly; and there could be no question that this word "ascertained" was really introduced with a distinct bias towards the views of the party who were in favour of getting the highest conceivable price for the tenant right. He thought it was rather extraordinary that the Government should have sprung this Amendment upon the Committee. He was not one of those who believed that the Bill was carelessly drawn. He was of opinion that it had been very carefully drawn, and much more carefully drawn than some people imagined. He believed that every word in the Bill to which any importance could be attached had been decided upon by the Government after careful examination, and after considering everything that could be brought to bear upon it. And when he saw the Government suddenly throwing up a particular word, and substituting another word suggested to them from a quarter in which the most extreme views were taken, he thought the proceeding was one which should inspire the Committee with very great suspicion. The right hon. and learned Attorney General for Ireland had given absolutely no reason whatever why the word should be substituted; and he (Lord Randolph Churchill) thought that that fact alone was a most suspicious circumstance. He (the Attorney General for Ireland) simply met the view of the hon. Member for Wexford (Mr. Healy) on the point which the hon. Member raised. But the right hon. and learned Gentleman neither gave his own reasons nor that of the Government for substituting the word "ascertained."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the noble Lord (Lord Randolph Churchill), no doubt unintentionally, was misrepresenting him. He had certainly made only a very short speech; but he had distinctly stated that the word "ascertained" was introduced in order to limit the arbitrary action of the Court.

LORD RANDOLPH CHURCHILL said, he had failed to catch the reason now given by the right hon. and learned Gentleman, and it was certainly the most extraordinary reason he had ever heard. How could the action of the Court, with such powers as it was proposed to give it, be anything but arbitrary? There was no appeal from it, and it must be an arbitrary action altogether. Yet it was proposed to limit this arbitrary action by putting in the word "ascertained." They had a Court with the most illimitable power ever known since the time of the Star Chamber, and the right hon. and learned Gentleman said the Government wished to put in the word "ascertained," because they wanted to limit the arbitrary power of the Court. They wanted the Court to have no doubt as to the intentions of the Legislature. By substituting the word "ascertained," the Committee were telling the Court that they might consider any evidence which might be determined upon by the tenant to show that the tenant right, if put up to auction, would have fetched a certain price. He felt sure that the word had not been proposed by the right hon. and learned Gentleman the Attorney General for Ireland without some very deep reason. It was, no doubt, intended to make the Bill meet the views of the extreme party by adopting this change; but, whatever the reason might have been, it was important to note that in proposing the Bill the Government did not know their own minds, and were driven to catch at any suggestion that was presented to them. The more general word "settled," which would enable the Court to exercise its own knowledge and judgment, was by far the preferable word.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, the noble Lord the Member for Woodstock (Lord Randolph Churchill) asked whether, supposing that the word "ascertained" was substituted for "settled," the Court would have the right to sell the tenant's interest by auction to the highest bidder, unless the landlord should agree to the price offered by the highest bidder. To that question he (the Solicitor General) unhesitatingly answered "No." With regard to the price, who was to buy, and how or by what tribunal the value was to be ascertained, he asked if it was to be supposed that, under the provisions of this clause, the Court would put the tenant's interest up to a kind of sham auction with the view of ascertaining the value at which the landlord was to buy? He was quite certain that his right hon. and learned Friend opposite (Mr. Gibson) would agree that no Court in Ireland would ever dream of holding such an auction. Therefore, he declined to accept the statement of the noble Lord opposite, that this substitution of one word for another made all the difference as to what the action of the Court would be. The noble Lord said, if the word "settled" was retained, the Court would deal with the case regardless of evidence. And, again, the noble Lord said that the action of the Court could not be otherwise than arbitrary, if it received evidence. But he (the Solicitor General) did not agree with that view—the action of this Court after taking evidence would be no more arbitrary than the action of any other Court. He denied the proposition of the noble Lord on this point altogether. The word "settled," in the opinion of the Government, was calculated to lead to the idea that the Court was not to enter into the question with the view of ascertaining the real value, but was to fix the amount arbitrarily. The Government, therefore, preferred the word "ascertained," which showed that it was intended that the Court should not act capriciously; but after having evidence should ascertain the real value of a tenancy. He assured the noble Lord that there was no mysterious or sinister motive lying hid under this proposal as the noble Lord seemed to suggest.

Mr. PLUNKET thought that the proposal of Her Majesty's Government to make this substitution was not satisfactory. It was true that the alteration was only the change of a phrase; but the character of this Bill was such that even a change of phrase might make an immense difference to the parties affected by it, and certainly there was no part of the Bill where a change of the kind could be more important; because they were, at this part of the Bill, conferring upon the Court a discretion which was to be the only limit to these tenures being sold at very high and immoderate prices, and to give the landlord the opportunity of purchasing at a fair sum—to cut down, in fact, the high prices which were admitted to be objectionable. He agreed with the noble Lord that the Court could take the substituted word to mean that it might ascertain the price to be given for a particular tenancy by putting it up to auction. It was of the utmost importance to give the most exact instructions possible to a Court clothed with such grave responsibility. Great influence would be brought to bear on the Judges, as Judge Longfield had remarked in his essay; and, therefore, he thought it was a most unfortunate thing that this change had been proposed by the Government. As he had said, it was only a turn of a phrase; but there was no necessity for making the change. In his opinion, the change proposed by Her Majesty's Government was a change for the worse.

LORD EDMOND FITZMAURICE said, he could quite understand hon. Members opposite exercising a very watchful supervision over the Bill. To a certain extent his right hon. and learned Friend the Member for the University of Dublin (Mr. Plunket) had rightly described this proposed alteration as being only the turn of a phrase. He did not understand why the Government had proposed this alteration, and, having proposed it, he did not see that they could reasonably complain of the amount of criticism which had been bestowed upon it. But he was bound to say that, as far as he could judge, there was the same danger in the word "settled" as the noble Lord the Member for Woodstock (Lord Randolph Churchill) and the right hon. and learned Gentleman the Member for Dublin University (Mr. Plunket) supposed to lurk in the word "ascertained." It was quite possible to go on through the whole evening discussing the refinements of meaning to be found in the two words in question; and, therefore, he suggested that the best way to terminate the discussion would be to adopt both, and let the clause run thus — "ascertained and settled." There could be no doubt, then, that the Court would have to hear both sides, and he presumed both parties would be satisfied.

MR. GORST rose for the purpose of asking the Government to explain what would be the meaning of the Bill after this Amendment was made. He had listened attentively to the observations made by the Law Officers of the Crown, and understood that when the alteration was made, the function of the Court would be to ascertain what was the best price that could be got for the tenancy when it was sold in open market, and having ascertained that best price, that the Court was to let the landlord have the tenancy if he chose to pay it. That was the effect of the argument of the hon. and learned Solicitor General. [The SOLICITOR GENERAL (Sir Farrer Herschell): I said nothing of the sort.] In that case he should like the hon. and learned Gentleman to explain what he did mean. The Court was to ascertain the value of the holding, and if conclusive evidence were given to the Court that, had the holding been sold in open market, it would have fetched a certain price, he asked the hon. and learned Gentleman the Solicitor General whether the Court would not have to ascertain the price and give the landlord the opportunity of purchasing at that price? In other words, the price was to be the full competition price of the holding. The Prime Minister, on the second reading of the Bill, said that the right of the tenant to a free sale was limited; and when challenged to say how it was limited, he said it was limited by the landlord's pre-emptive right. But if the landlord's pre-emptive right was only a right to buy at the full competition price, how did that limit the tenant's right to sell? The Prime Minister himself had, in his speeches, always admitted that there was an objection to allowing the tenant to sell at the full competition price. If that were so, then, he asked, how was that objection in any way alleviated by the landlord's pre-emptive right? But if the landlord had a pre-emptive right to buy, at some fair price to be settled by the Court, which should say what was a reasonable and fair price, under all the circumstances of the case, then there would be a certain limitation on the tenant's right of free sale. It would still be an imperfect one. But if the only right the landlord was to have was the right to buy at the full competition price, he did not see that there was any limitation whatever on the right of free sale.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) remarked, that the discussion had strayed from the Amendment before the Committee, and that they were now discussing the general question. His hon. and learned Friend the Member for Chatham (Mr. Gorst), he believed, was not in the House when the subject was discussed an hour or two ago; but even if he had been present, he seemed to have paid as little attention to the question then under consideration as he had to the speech which he (the Solicitor General) had just made. His hon. and learned Friend had attributed to him things which he had not said. He had never used such an expression as that the landlord was to buy at the full competition price.

Mr. GORST: I never said the hon. and learned Gentleman made use of that expression. I said that his argument amounted to that.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, in that case the hon. and learned Gentleman had mistaken his argument, for that was not its intention. In his remarks he had spoken of the real true value as distinguished from any *pretium affectionis*, or any outrageous or fancy value. Those were the words of the right hon. and learned Gentleman opposite (Mr. Gibson) and they had been accepted by the Prime Minister as exactly expressing his meaning. That understanding had been arrived at an hour ago, and he had certainly said nothing at variance with it.

Mr. WARTON remarked, that anyone acquainted with the English language must feel that there was a great difference between the meaning of the words "ascertained" and "settled." The former appeared to him to describe the action of a subordinate—a clerk or agent—while the word "settled" implied the exercise of a judicial function. When the Bill was drawn, he had no doubt whatever that it was intended that the Court should exercise some judicial power in fixing the price, after taking into consideration all the facts of the case. He could only say that if the word "ascertained" were adopted the landlord would have no pre-emptive right at all.

Mr. GORST asked whether the hon. and learned Solicitor General's interpretation of the clause was that the landlord might buy the tenant's interest for something less than the competition value?

Mr. CHAPLIN said, they had heard a great many legal opinions on this clause, and it was very difficult when lawyers differed to say who should decide. He would venture to make a suggestion, which might, perhaps, tend to solve the problem. He understood the two Front Benches were agreed in principle that the Court should be allowed to ascertain the price by a sale by auction under their direction; but the power of the Court to do that seemed to be doubted by some legal authorities on the Opposition side of the House. He could not help recollecting that since the passing of the Act of 1870 things had taken place which were never contemplated by the Government, and which they were distinctly assured by the Government never could take place. They were told that under no circumstances could the Act of 1870 confer a joint property with the landlord in the soil on the tenant; but now it was argued by a great many people that something of that nature had occurred. If there was the least doubt that a Court might be able to ascertain the price by a sale by auction, the point ought to be settled and placed beyond all dispute. The suggestion he would make was that they should expressly exclude the power from the Court to direct that the price should be decided by auction.

Mr. MORGAN LLOYD said, that the Amendment suggested by the hon. Gentleman who had last spoken was wholly unnecessary, as the words of the subsection already excluded the idea of a sale by auction. It dealt only with the right of pre-emption given to the landlord, and the only question was how the price to be paid by the landlord for the tenant right should be determined, and that was to be fixed by the Court. The sale was, therefore, a sale by private agreement, and could not possibly be a sale by auction. An express prohibition against a sale by auction would, therefore, be an absurdity.

Mr. GIBSON said, he did not agree with the remark of the hon. and learned Member (Mr. Morgan Lloyd); but he did not differ much from what had fallen from the Treasury Bench, because he thought it improbable that any tribunal, with this clause as it now stood, would ascertain the value by auction. On the other hand, he had no doubt whatever that the Court might hold that that was a mode of ascertainment competent to them. He would not press the matter now, but would himself consider it; and if they found anything in the point they would again bring it under the notice of the Committee either at this or a subsequent stage of the Bill. He thought many advantages would be derived by this discussion. He, of course, knew that the Government intended to oppose this; but he would suggest to his hon. Friends who had taken part in the discussion not to put the Committee to the trouble of a division, but to merely express their dissent when the Question was put.

Question put, and *negatived.*

Amendment *agreed to.*

MR. GIBSON asked leave to propose an Amendment which was not on the Paper. It was to introduce in line 18, before the word "value" the word "genuine." He would not say "genuine" was the proper word to employ; but it was right there should be some word or other put in in order to direct the attention of the Court to the fact that an utterly extravagant value must not be placed upon any holding. He hoped the Government would see no objection to the insertion of the word.

Amendment proposed, in page 1, line 18, before "value," to insert the word "genuine."—(*Mr. Gibson.*)

Question proposed, "That the word 'genuine' be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could have no objection to the principle of the Amendment; but he confessed he did not like the word "genuine." He would be prepared, on behalf of the Government, to insert the word "true" instead of "genuine."

MR. GIBSON: "True and genuine."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the two words. He never saw the word "genuine" in an Act of Parliament.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 1, line 18, before the word "value," to insert the word "true."—(*Mr. Gibson.*)

Question proposed, "That the word 'true' be there inserted."

MR. WARTON suggested the employment of the words "true and real." The word "real" was suggested to him by the right hon. and learned Attorney General for Ireland, who said he had no real objection to the Amendment. He supposed the right hon. and learned Gentleman would make no genuine objection.

SIR GEORGE CAMPBELL feared they were embarking upon a sea of troubles. He saw no reason for any change at all. The value of any holding he took to mean the value in the market to a fair and honest purchaser. If the word "true" were inserted, it might be argued that the true value was not what people might give in the market—not what solvent people were ready to give—but the value which someone considered to be the value independent of the market.

MR. HENEAGE agreed with the last speaker, and objected to the insertion of any adjective before the world "value," which would be perfectly understood; but if there was to be any alteration, having had some experience in land agency, and in arbitration in respect of land, and as a practical man, therefore, he would suggest that the words should be "fair price."

MR. HEALY advised the Government to accept the words he would suggest—namely, "market value."

MR. GORST observed, that the objection to the Amendment of the hon. Member for Wexford (Mr. Healy) was that it would make the Bill intelligible, which he (Mr. Gorst) thought the Government did not wish to do. He and others wished to know, though they had up to that time failed to receive an answer from the Government, whether a true, or genuine, or fair value did not mean the value which the tenant right would realize on account of "land hunger?"

MR. LEA said, the Amendment trenched very much upon that of which he had given Notice, and if it were accepted it was rather questionable whether the Chairman would not rule his Amendment out of Order. The Prime Minister had said that what he intended by value was the market or the fair price, and other hon. Gentlemen had said what they wanted was a fair market price. The object of the clause was to give the tenant the right to sell the property he had in his holding. They proposed the Court should fix the value of the property, and if they took away from the tenant and gave to the landlord the right to their improvements, they ought to give to the tenant a fair market price. There was a consensus of opinion that if the tenant was to be deprived of the right to sell by auction, the Court ought to be able to give him a fair market price, and if he might do so, he would move that the words inserted should be "fair market value."

The CHAIRMAN said, the Amendment at present before the Committee was to insert the word "true." When that was disposed of, it would be competent for the hon. Member to move his Amendment.

Colonel BARNE asked whether the Government intended in this clause to include the future value of the land? There was an immense difference between the agricultural and future value of land which might come to be used for building purposes. Did the Government intend that the Court should make the unfortunate landlord pay for the future value of land? The land around towns considerably increased in value in case of an extension of the towns. If Ireland became more prosperous, and her towns grew in size, the land round about them would become far more valuable than at present. He did not think Ireland would become more prosperous if this Bill passed, because there would be no security for money. All he wished to ask the Government was whether they intended to include the future value of land in this clause?

Mr. GLADSTONE: No.

Mr. PARNELL said, it would be well if the Government would give some consideration to the suggestion of the hon. Member for Donegal (Mr. Lea). The word "true" was not an expression commonly used in reference to the markets of Ireland. Surely it would be well to adopt an expression to which some legal value was attached, or some word understood in the districts where the measure would have to take effect. A "fair market value" seemed to him a sensible and reasonable expression, and one which would suggest that the tenant was not to be entitled to a payment to the landlord outside or at the top of the competition price; but that the landlord, on account of his purchasing the interest of the tenant in his holding, should have some little consideration, and should get it at a "fair market value," which would not be outside the competition price. The expression "true" was one to which they were not used in matters of this kind, and the Court would find great difficulty in the matter.

Mr. CARTWRIGHT hoped the Government would not press the adoption of the word "true," because, amongst practical men, it was utterly unintelligible.

Mr. CHARLES RUSSELL thought that by this time the Government would see the advisability of sticking to the original text of the clause.

Mr. A. M. SULLIVAN said, they might use whatever adjective they chose; but the Court would thoroughly understand its duties under the Bill as it now stood. In discussing this matter he really believed they were wasting time.

Mr. HEALY asked, as a point of Order, who moved the word "true?"

The CHAIRMAN understood that the right hon. and learned Gentleman the Attorney General for Ireland moved it.

Mr. HEALY asked the Attorney General for Ireland if that were so?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the right hon. and learned Gentleman (Mr. Gibson) proposed the word "genuine," and he (the Attorney General for Ireland) said he did not like the word, and if the word "true" were suggested he would not object.

Mr. GIBSON said, he proposed the word "genuine" as a distinct qualifying word to the word "value," qualifying to the extent that it would exclude the extreme cases of *pretium affectionis* and land hunger. He now stood by the word "true" which he had moved.

Mr. GLADSTONE said, he was quite prepared to agree to the insertion of the word "true."

Question put.

The Committee *divided:*—Ayes 188; Noes 36: Majority 152.—(Div. List, No. 242.)

Mr. LEA, in rising to move the Amendment standing in his name, said, the tenant ought not to lose by giving the landlord the right of pre-emption. In the clause they were taking away one of the tenant's rights; and, under such circumstances, they ought to give him what he considered the value or the fair market price. He should, therefore, move the insertion of those words in the sub-section.

Amendment proposed, in page 1, line 18, to leave out the word "value," and insert the words "and fair market price."—(*Mr. Lea.*)

Question proposed, "That the word 'value' stand part of the Clause."

Mr. GLADSTONE said, the Government were taxed very severely in consequence of having departed from the language of the clause as it originally stood. Considering at what a cost of time they conducted all these comparatively small discussions, nothing but the hope of securing great advantages would have induced him to part with the word "value." The word was well known, and was to be found in old Acts of Parliament; but he doubted whether "market price" was to be found anywhere. He hoped the Committee would not countenance long discussions of verbal Amendments, which, if allowed, were likely to consume months of time.

Mr. HEALY said, the Irish Members strongly objected to the word "true." They thought it would lead to a great many complications, and they stated their objections. The right hon. Gentleman the Prime Minister was aware of those objections, and so long as he was inclined to make concessions to hon. Gentlemen below the Gangway on the Liberal side, the Irish Members would take up a position of benevolent neutrality. He, however, refused to accept the Amendments of his own supporters, but made concessions to hon. Members above the Gangway on the Opposition side, and the Irish Members were opposed to those concessions.

Mr. LEA suggested that the Premier should leave in the word "value," and omit the word "price," so that the words would run "true market value."

Sir GEORGE CAMPBELL appealed to Her Majesty's Government to devise some plan by which the word "true" could be construed, believing that, otherwise, great difficulty and confusion would be occasioned. Whether they adopted the words "selling value" or "market value," he really would venture to appeal to the Government that, having accepted the word "true," they should go a step further, and tell the Court what they meant by that word.

Mr. DUCKHAM said, that he considered the Government had already made one mistake in introducing the word "true" in this clause. After considerable discussion the word "ascertained" had been accepted, and that, he thought, a very valuable addition to the Bill, because it enabled the Court to take evidence. As to the words "market value," every practical man knew what the meaning of "value" was in the cultivation of the soil, and in investment of capital and labour. Upon these things they could not put a fixed market price; they must ascertain the value, it might be the result of many years of labour and capital, and that could alone be done by taking evidence.

Mr. BIGGAR asked the Government whether the acceptance of the Amendment would make the Bill any worse than it was? He considered it was an exceedingly bad Bill as it stood, and the Government had accepted an Amendment which made it worse than it otherwise would be. The Amendment was a lawyer's Amendment, and would give rise to more legal business. The expression proposed now—namely, "market price," was the one in common use in Ireland. The real intrinsic value was a thing that no one knew; and he would point out that when Amendments of a reasonable character were proposed by their followers it would be as well for the Government to accept them, rather than the Amendments of their opponents.

Mr. SHAW said, that, in his opinion, the Amendment was anything but acceptable; and in proof of that it would only be necessary to remind the Committee that, during the last two years, if the Ulster tenants had been obliged to take a market price for their tenant right, they would have suffered very materially. The "market value" had been down to almost nothing. As a matter of fact, the value depended on 50 things that might occur, and he therefore thought the clause, if amended as proposed, would be singularly misleading, and would fail to satisfy the Irish tenants.

Sir R. ASSHETON CROSS said, the Prime Minister had said that these words did not appear in any Act of Parliament; but he would point out to the right hon. Gentleman that "fair market value" was to be found in a clause of the Artizan's Dwellings Act, and under that clause an enormous amount of compensation had been given.

Mr. LEAMY said, the hon. Member for the County of Cork (Mr. Shaw) objected to the word "market" because, he said, the tenant, in bad times, would give less for his farm than it was worth. But did they think that the landlord would be such a fool as to go into the Court to give something more than the market value in such times? What would happen when this Bill came to be interpreted in Court? Why, every two lawyers would have a different opinion about it; and he could assure the Committee that the parties interested would find enough to contend with without having the difficulties increased. If the Amendment were adopted, they would have one standard of true value in one Court, and another in another; and there would not only be differences in the Court of First Instance, but in every case there would be an appeal to ascertain the meaning of the words of the Act.

Mr. CALLAN wished to know, from some legal authority, what was the difference between "value" and "market value?"

Mr. FINIGAN hoped a fair compromise would be come to on this matter. The words "fair market price" were better understood in Ireland than in the House of Commons. What was really wanted in relation to this Bill was the confidence of the people of Ireland; and if they could be taught that, by means of the Bill, they would get a fair market price for their tenant right, they would believe that the measure was really meant for them, and not for the landlords only. He hoped the hon. Member for Donegal (Mr. Lea) would adhere to his Amendment, and would, if necessary, divide the Committee on it.

Question put.

The Committee *divided*:—Ayes 241; Noes 36: Majority 205.—(Div. List, No. 243.)

Colonel BARNE moved, as an Amendment, to introduce, at the end of the subsection, the words "for agricultural purposes only," and explained that the Amendment would have the effect of preventing a landlord having to pay for the future value which land might have for building purposes near large towns. He thought it could hardly be intended by the Government to make the landlord pay for such future value, and to make that sure he proposed the Amendment.

Amendment proposed,

In page 1, line 19, after the word "thereof," to insert the words "for agricultural purposes only."—(*Colonel Barne.*)

Question proposed, "That those words be there inserted."

Mr. Leamy

Mr. GLADSTONE said, he thought the Amendment quite unnecessary, because the whole scope of the Bill was confined to agricultural purposes, and tenant right did not exist, and could not exist, except for agricultural purposes; but, if that were not so, the hon. and gallant Member did not gain by his Amendment the purposes he had in view. His object, he said, was to exclude the future value of land for building purposes; but it was quite possible there might be great change in the future agricultural value of land. It might, for instance, be well worth the while of an occupier to turn land into a market garden. The Amendment would not, therefore, attain the object aimed at, and he hoped it would not be pressed.

Mr. WARTON was glad to hear the declaration of the Prime Minister; but he wished to know in what part of the Bill that declaration was borne out. After the experience of 1870, the Committee must not be content with mere assumptions; and in the Interpretation Clause (Clause 44) he found nothing confining the Act to agricultural purposes. [Several hon. Members: Clause 46.] He did not find what he wanted in Clause 46, and he should like the Premier to point out where he would find it.

Question put, and *negatived.*

Mr. E. W. HARCOURT moved, as an Amendment, in page 1, line 19, after "thereof," to insert the words—

"And in settling this sum the Court shall have regard to improvements made, either by the landlord or his predecessors in title, or the tenant or his predecessors in title, and to any claims by the landlord against the tenant, or the tenant against the landlord."

The hon. Gentleman said, that after the substitution of the word "ascertain" for the word "settled," this Amendment was more necessary than it had previously been. He thought that the consideration of the conditions under which land would be held in Ireland had been very much neglected in considering the interests of the present tenants; and he considered these words necessary to qualify the conditions laid down in the clause. The future tenant ought to be considered as well as the present tenant, and if they added to the difficulties men had in obtaining land in Ireland, they would not improve the cultivation of the land, which must be the ultimate object in view. The improvement of the land was a matter of as much importance as the improvement of the interests of the tenant; and if the Committee wished to improve the condition of Ireland generally, they must also consider the interests of the future tenant. He did not see how the interests of landlords, tenants, and the land were to be separated; and, therefore, he moved this Amendment.

Amendment proposed,

In page 1, line 19, after the word "thereof," to insert "and in settling this sum the Court shall have regard to improvements made either by the landlord or his predecessors in title, or the tenant or his predecessors in title, and to any claims by the landlord against the tenant, or the tenant against the landlord."—(*Mr. Harcourt.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE observed, that the interests enumerated by the hon. Member (Mr. Harcourt) had no connection with the value to be ascertained. It was the value of the land which was to be determined by the Court, and in determining that value the Court, of course, must have regard to the tenant's improvements, but not to the other things mentioned. They were all to be saved and provided for, but they would be provided for elsewhere; and while the Amendment brought into consideration the value of things that did not belong to the clause, it excluded the value of the improvements, tenure, security, and the terms the tenant already had or would make under this Bill. He did not think there was any substantial difference of view between himself and the hon. Member; but having regard to the arrangement and construction of the Bill the Amendment would lead to confusion.

Question put, and *negatived.*

MR. CHAPLIN said, he wished to move an Amendment of which he had given Notice, to the same sub-section. He observed that the whole of the clause dealt with the question of free sale, and the first object of his Amendment was to supply what appeared to him to be a great omission in the Bill. The clause gave the tenant the right in all cases to sell his interest for the best price he could obtain. That particular sub-section [3] in the clause was intended, as he understood it, to place some restriction on the unlimited right of free sale. So far, so good. But, the omission of which he complained was that unlike Clause 7, which dealt a fair rent, and in which the most stringent instructions were laid down—instructions not only most stringent, but, as it seemed to him, most hostile, so far as the interests of the landlord were concerned, for ascertaining the fair value—no instructions were laid down, where the interests of the tenant were concerned, for the guidance of the Court in settling what was to be the price to be paid to the tenant for his interest in the holding. The right hon. Gentleman the Prime Minister, in introducing the Bill, stated distinctly—and he (Mr. Chaplin) commended the statement to the attention of the hon. Member for Galway (Mr. Mitchell Henry) and others on that side of the House—that if any construction was to be placed on the right to goodwill the tenant right was not in any sense to be an unregulated tenant right; and he proceeded to give some reasons, and excellent reasons they were, for that view. But if that was the fact, it was quite evident that unless this particular sub-section was to be nothing but a farce, it was absolutely necessary to lay down some instructions for the guidance of the Court on that point; otherwise, with the first line of the Bill staring him in the face, by which it was enacted that every tenant was to sell for the best price, he could not conceive how the Court could have any alternative but to take as their standard of the price what the tenant demanded in open market. The House was also told by the same high authority—and the right hon. Gentleman had repeated that statement that evening—that the power left to the Court was the due and proper means of preventing the landlord putting up the rent and trespassing on the rights of the tenants. But there were cases in which this power would not apply at all, or, where it did apply, it would be practically useless. Take the case of an ordinary tenancy; that was where a tenant had not gone into Court, or where the farm was let under its ordinary market value, and the tenant did not wish to go on farming, but to sell his interest in the farm. Under those circumstances, with a farm of that kind, let below its market value, and the competition being keen, if the tenant right was unrestricted, whatever hon. Members might say, it was quite certain, in the present circumstances of Ireland, an extravagant and unreasonable price would be obtained. How was that to be checked? The power of the Court in such a case would not apply. No doubt the Court could check it, if applied to, by raising the rent; but such an application was only to be made by the tenant; the landlord was not allowed to go into Court at all. The object of the tenant in such a case not being to get a fixed rent and to stay, but to pocket a capital sum and go, there was nothing whatever to induce him, but rather the reverse, to go into a Court at all. Then, so far as the power of the Court, by raising the rent, to place a limit on the tenant right was concerned, that ceased to exist. Then there remained the power of the landlord to fix a limit by raising the rent; but the Government had taken care to prevent him from availing himself of that power. What they did in the case of the landlord was this—they gave him a power, nominally, to raise the rent at his discretion; but what they gave to him with one hand they took back with the other, because this power was weighted with pains and penalties of so severe a description that, he ventured to say, not 1 in 100 landlords would avail himself of it. If the landlord raised his rent beyond what the Court might afterwards fix as the fair rent, he would be subject at once to a fine so severe as to amount to ten times the amount by which his rent exceeded the rent fixed by the Court. Therefore, whenever a landlord desired to increase the rent, whether it was a moderate or an immoderate rent, he would be obliged to leave a margin, in order to put himself on the safe side, and so he would not be able to raise the rent to anything like its real and natural value. There was absolutely nothing in the Bill, as at present drawn, which would be any practicable check on an unregulated tenant right; and, in fact, the tenant right in future would be exactly what the right hon. Gentleman had said it ought not to and would not be—namely, an unregulated tenant right in the future. If that were the case, how was it to be checked? By simply laying down instructions for the guidance of the Court in this case in precisely the same way as instructions were laid down for the Court elsewhere. That was all the more necessary in this case, because, although the Committee had been debating the Bill for many nights, they had never yet been able to define what the interest was which the tenant had to sell. He imagined that, in laying down instructions of this kind for the Court, everyone would admit that the tenant was entitled, in the event of leaving his farm, to receive full compensation for the value of improvements effected by himself, and so also it should be in the case of tenant right. Where it had been the custom for considerable sums of money to be paid for the goodwill with the knowledge and consent, and with the privity of the landlord, there he thought the tenant ought to have the right to sell upon the same terms as those upon which he bought or acquired on entering the farm. Further, the power to indiscriminately raise the rent after the tenant right had been purchased by the farmer was a glaring anomaly, and an injustice which the Act of 1870 intended to remedy, and in regard to which he was prepared to act as far as any Member of the House—not by the means suggested in this Bill, but by means which he believed would be far simpler, though more effective, and which he should be prepared to maintain at the proper time—in giving to the tenant that protection which he believed policy demanded, and to which the tenant was entitled by every consideration of justice and right. That was a very different thing from giving to the tenant something which he had never bought and had never acquired, which he never earned, and to which he had no claim or title whatsoever; which, in reality, belonged to somebody else, and which, notwithstanding all that, was precisely what the present Bill would do if the tenant right was left unregulated, as it now was. He maintained that, after being paid for his improvements and for his tenant right, there was, practically, nothing else for which the tenant was in justice entitled to be paid on leaving the farm. It might be that some undefined right had grown up under the Act of 1870, in consequence of the effect which the Government had said never would arise; but what was that right? It was to compensate for disturbance for one thing alone, and it was given in the shape of damages for causeless eviction. And where was the causeless eviction in the cases he was talking about? It was in the case in which the tenant left his holding of his own accord; where he desired to go, but where the landlord might desire him to stay. In such a case he was to be entitled to receive damages which, under the Act of 1870, it was said were to be given for causeless eviction alone. Then they were told something about the value of occupancy, and it was said that after the tenant had been paid for his improvements and for his tenant right, he was entitled to sell the value of his occupancy. That was a principle which could not be limited to land or to Ireland. If it was to be applied to land, why should it not also apply to houses? And if in Ireland, why not in England and Scotland, and in every other part of Her Majesty's Dominions? There was only one other consideration he wished to submit. What the Government were really going to do was this—to extend the Ulster Custom to the rest of Ireland, where no Ulster Custom or any analogous custom existed. They were going to place the man in Ulster, who had paid a large sum for his tenant right on entering, on the same footing as the man in the South of Ireland who had paid absolutely nothing for it. He contended, and he would maintain against all comers, that it was impossible to extend this Ulster Custom, or anything practically like the Ulster Custom, to the rest of Ireland, without making compensation to the landlords, unless they were determined to inflict great injustice upon the landlords; and he must repeat once more what he had said on a former occasion, because the Government had not condescended to notice it, although when he quoted the words of their own Lord Chancellor, he thought they were bound to deal with the facts submitted. With regard to the extension of the Ulster Custom, the Lord Chancellor had said—

> "The extension of the Ulster Custom to the rest of Ireland . . . . does appear a manifest violation of the principles of justice, and to be impossible if we mean to respect those principles."

And, further, he said—

> "When you talk of extending that custom to other parts of Ireland . . . . if you give in such a case to the tenant the value of the custom existing elsewhere, you would be just taking so much from the landlord and giving it to the tenant."—[3 *Hansard*, cxcix. 1666-7.]

He desired to ask the Prime Minister two questions—first, in what respect did that Bill differ from an extension of the Ulster Custom to the rest of Ireland? and, secondly, if he was right in saying that it did so, what had occurred since 1870 to make that which the Lord Chancellor said 10 years ago was a manifest violation of the principles of justice, compatible with those principles in the year 1881? He thought those were questions which ought to be met and fairly answered by the Government, if they wished to make fair and real progress with the Bill. His Amendment was not directed in any way to the principle of the Bill. The principle, or one of the principles of the Bill, on the authority of the right hon. Gentleman the Prime Minister was an unregulated tenant right, and it was in order that there might be some real regulation of the tenant right that he moved this Amendment.

Amendment proposed,

In page 1, line 19, after the word "thereof," to add the words "Provided, That in the case of a holding not subject to the Ulster tenant right custom or any usage corresponding therewith, the price thereof settled by the court shall in no case exceed the value of the improvements, if any, effected on the holding by the tenant or his predecessors, in respect of which the tenant quitting his farm would be entitled to compensation under the provisions of 'The Landlord and Tenant (Ireland) Act, 1870,' added to the sum, if any, for which the tenancy was purchased by the tenant or any of his predecessors in title: Provided, That the tenant shall not receive compensation in respect of improvements included in the sum paid for the purchase of the tenancy by the tenant or his predecessors in title."—(*Mr. Chaplin.*)

Question proposed, "That those words be there added."

MR. GLADSTONE: I must take the liberty of saying that the hon. Member for Mid Lincolnshire (Mr. Chaplin)—I do not think purposely—invites us by his Amendment completely to destroy the effect of the principal enactment of this clause which we have considered. That enactment requires the Court to consider the true value of the tenant's interest; but the hon. Member now asks us not to provide that the Court shall not ascertain the true value at all, but something which has nothing to do with the true value—namely, what the tenant had paid on entry to his farm. What has the sum which the tenant paid on entering to do with the amount which he ought to receive on leaving his farm and selling his tenant right? What, in other words, has the amount which the tenant paid on entering to do with the true value of his holding at the time at which he leaves it? The tenant in possession might, from any reason best known to himself, have paid a great deal too much for his holding. The transaction may have been clandestine; and I ask why should the landlord, in exercising his right of pre-emption, be bound to pay to the outgoing tenant a sum of money which he had foolishly and unreasonably paid?

Mr. CHAPLIN, rising to a point of Order, said, the landlord was not bound to do that. The amount to be paid was left to the discretion of the Court, within certain limits.

Mr. GLADSTONE: Then the hon. Member says you are going to provide a maximum; but I do not think that explanation either alters or amends the matter; because, as I understand him, his view is that if a tenant paid £100 a-year for his holding, and it is now worth double the sum, he is only to be entitled to receive half the amount which he paid in the event of the tenant right only being held to be worth that sum at the time of the transfer of tenancy. This, certainly, is a great departure from the principle of equity which the hon. Member says he wishes to observe. It seems to me that the hon. Member is proceeding on a basis entirely different from that of ascertaining the true value of the holding. The hon. Member says we are proposing to make an unregulated and unrestricted tenant right; but that is not so. Extravagant values and fancy prices are to be set aside by the judgment and in the discretion of the Court, on investigation of ascertained facts laid before it. What, then, is it that we have to consider? It has been admitted on all hands, and thoroughly understood, that the Court is to have regard to the main facts of each case, and that the price to be fixed is that which could be reasonably obtained for the tenant right.

Mr. CHAPLIN said, he had in his speech referred only to cases in which the power of the Court would not apply in regard to the question of raising values and prices to be paid on changes of tenure.

Mr. GLADSTONE: I am not speaking on that point at all, but in reference to a matter entirely different, and having regard simply to the raising of the rents. The question which the hon. Member has raised is one which, in my view, cannot profitably be raised at the present moment. I believe the Bill will place a most efficient power in the hands of the landlords for their own protection; but I am not arguing that point now, because it is not essential to our present purpose. All I am now arguing is that the Court is to have regard to value as tested by facts—by the prices which competent and reasonable purchasers were ready to give—and in this respect I am not speaking on my own authority alone. I may be permitted to quote the words of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson), who said he was perfectly willing that the tenant right should be so regulated as that it should correspond with the true and genuine market value of the holding. This suggestion of the right hon. and learned Member laid down a basis of action for the Court from which we are now asked entirely to depart, although the Committee have adopted that basis. I have already shown, I think, how strange is the proposal of the hon. Member. It amounts to this—that if a tenant on taking a holding has paid too much for it, he must suffer in consequence; but if he has made improvements in his holding, he is not to be entitled to reap any advantage from the money which he has expended. This is a proposal which is commended to us in the name of equity and justice. And now let me try and make good my statement that the basis laid down by the hon. Member in no way corresponds with what the tenants ought in justice to pay or to receive. He says that the tenant may receive any sum which is within the actual value of his improvements, and also within the sum which he has paid for the tenant right. With regard to improvements, our objection to the proposal of the hon. Member is that it would limit the signification of "improvements" to those mentioned in the Land Act of 1870; but it has never been concealed that, in the view of all the supporters of this Bill, the word "improvements" had a wider scope than that which was accorded to it by the Act which I have mentioned. All these form part of the subject-matter involved in the present Bill. We have endeavoured to press upon the Committee our conviction that there is another element in the question of tenant right, over and above the value of improvements, and that is the value of tenure. The hon. Member has referred to the compensation for disturbance given by the Act of 1870; but I would like to ask what has been the effect of that provision as far as compensation for disturbance is concerned? The effect has been that the tenant who was in possession of a means of livelihood, for which other people were willing to pay a price, could not be dislodged without payment for his right. There can be no damage to the landlord by reason of the fact that the tenant has received such compensation. If the landlord put his tenant out, he would have to pay the compensation; and therefore I cannot see why if a tenant wished to go away he should, while taking no single farthing from his landlord, not get, with respect to tenure and improvements, as much as a rational and moderate purchaser was willing to give. Another element in the question of tenure is the duration of tenancy and the prevention of arbitrary action. There are other incidents in connection with the matter which do not in my view arise in this particular branch of the subject, and I shall not, therefore, attempt to deal with them. The basis of the Amendment is totally different from our views, in that we wish to recognize tenant right as an interest founded on certain matters of fact. We cannot accept the Amendment of the hon. Gentleman, because it is based upon principles entirely contrary to those on which the Bill is based.

SIR R. ASSHETON CROSS said, the right hon. Gentleman who had just spoken seemed to have forgotten a debate which occurred a short time back, in the course of which he (Sir R. Assheton Cross) moved an Amendment, the effect of which, if carried, would have been to define what the tenant had to sell. That was, in reality, the point of difference between those who supported and those who opposed the Bill. When he raised that point in the former debate, he understood the right hon. Gentleman the Prime Minister to say that was not the proper moment at which the question ought to be raised.

MR. GLADSTONE said, the right hon. Gentleman was mistaken as to what he said on the occasion referred to. What he then contended for and now maintained was, that the value of the improvements and the incidence of what the tenant would have to sell would depend upon the provisions of the Bill, and that it was impossible at the moment to enumerate them.

SIR R. ASSHETON CROSS, continuing, said, that the right hon. Gentleman the Prime Minister, in making the statement to which he had referred, invited him to defer the observations he wished to make on this particular question until the Interpretation Clause of the Bill was reached. Now, however, there had been raised a precisely similar question, and the right hon. Gentleman said it had been raised too late. It would not be possible for the Committee to make any progress, unless the clause was so arranged as that the Committee and the House generally could know what it was that the Court had to value. What, he wished to ask, was it that the tenant had to sell—was it the undefined something which had been spoken of by the right hon. Gentleman the senior Member for Birmingham (Mr. John Bright), and which was now spoken of as the right of occupancy fortified against disturbance by the Land Act of 1870? The statement which had been made by the right hon. Gentleman showed that the Committee was never likely to come to a proper understanding until a full and sufficient explanation had been given on this point. He would, with the permission of the Committee, put a case. Let them take, as an instance, demesne lands which had never been let at all. A landlord, since the passing of the Act of 1870, had a farm to let, and a tenant wishing to occupy it says that he cannot afford to pay more than £100 a-year, fortified against disturbance by the Act of 1870. In that case, the tenant could have nothing to sell except the value of the improvements he had made, the tenancy being from year to year. If there was anything else, he ought to have paid a higher rent in the first instance. An incoming tenant could afford to pay no more than an outgoing tenant; and, in these circumstances, the outgoing tenant would have nothing more to sell than the value of the improvements which he had made in his holding. Now, however, the right hon. Gentleman said the tenant had not only this but a great deal more to sell—namely, that which the incoming tenant, owing to the land hunger which existed in Ireland, was willing to give in addition to that which the outgoing tenant said at the outset he could afford to pay as the rent of his farm. Therefore, he held that what the incoming tenant could afford to or was willing to give belonged to the landlord, and to no one else. This was an old question, and the sooner it was settled the better it would be for everyone concerned.

Mr. W. FOWLER said, he did not think it was wise to drive the Committee again into a discussion of what tenant right really meant. He thought it would save a great deal of time if hon. Members could get into their minds some notion of what they were doing. When he brought in the Bill the Prime Minister expressed the opinion that it would not be fair to give to tenants legislative rights without at the same time empowering landlords with the means of securing their own just interests. These words were clear and precise; but he (Mr. W. Fowler) could not see how they applied to cases—not infrequent in Ireland—where the lands had been habitually under-rented, and where the improvements on the land had been made by the landlord himself. The Prime Minister had stated that in cases of the kind the landlord had the remedy in his own hands by raising his rents; but this he feared would be an awkward remedy to adopt. The tenant whose rent was raised would not understand the subtleties contained in the Bill as it now appeared before the Committee, and would think that he was being deprived of the tenant right which the measure proposed to confer on him.

The CHAIRMAN pointed out to the hon. Member that he was travelling beyond the question which had been raised by the Amendment before the Committee.

Mr. W. FOWLER said, that if the ruling of the Chairman, to which he bowed, was right, other hon. and right hon. Members had gone equally wrong in discussing the Amendment.

Mr. CHAPLIN asked, whether the Prime Minister had not said that the landlords had the power of checking the tenants' right of sale by raising their rents?

Mr. GLADSTONE said, he had referred to the question mentioned by the hon. Member, and was under the impression that in a single sentence he had disposed of a quarter of an hour of the hon. Gentleman's argument.

The CHAIRMAN said, the single sentence of the right hon. Gentleman was, in his view, used rather in the way of illustration than as part of a general discussion of the question before the Committee.

Mr. CHAPLIN, rising to explain, said, he had not referred to anything which the Prime Minister had said in reply to his argument. The statement to which he had just referred was made in an earlier part of the debate.

Mr. W. FOWLER said, he had no wish to impede the progress of the Bill, and would not therefore proceed further with the line of argument which he had taken. He must say, however, that he could not help thinking a great amount of time would be saved by a fuller explanation on the part of the Government. At present it seemed to him that one of the main principles of the Bill was that the tenant right was the joint property of the landlords and the tenants. The question therefore was, whether the tenant had anything, and if so what, to sell; and he hoped also that careful consideration would be given to the question of under-rented farms in Ireland.

Lord RANDOLPH CHURCHILL said, the right hon. Gentleman the Prime Minister found fault with the Amendment, because it rigidly confined the improvements, the value of which the Court had to ascertain, to the definition of improvements under the Act of 1870; and he added, at the same time, that there were improvements, other than those defined by that Act, which the tenant had to sell. That was a remarkable statement to come from the Prime Minister at that stage of the Bill, and he (Lord Randolph Churchill) should be glad if the Government would inform the Committee what could possibly be the value of the improvements made by the tenant other than those specified by the Act of 1870. According to that Act, improvements were such works as added to the letting value of the holding. That was perfectly clear; but the right hon. Gentleman had adopted an extraordinary construction of the phrase put forward by the hon. Member for Waterford (Mr. Leamy), who included amongst the improvements the value of the tenant's right arm. Now, it seemed to him that this meant nothing more nor less than the ordinary cultivation of the farm—sowing and reaping, and what manure might be necessary. But how could that be recognized as improvements which could be sold and taken into account by the Court as affecting the value of the tenancy? Upon that point, therefore, he asked for further information. It had been pointed out that the improvements were not defined in the Bill—that everything was defined but the improvements. The reason for this was that the Bill was to be read with the Act of 1870, the improvements defined in that Act being the improvements contemplated under this Bill. But the Prime Minister, although he had a greater knowledge of the matter than anyone in the House, said there was something besides improvements—the value of the tenant's right arm; or, in other words, the ordinary obligations which he had contracted with the landlord to perform. Did the Government think that the definition of the Act of 1871 would not be regarded by the Court; that the Court would go beyond it, and take into account as improvements the ordinary operations of agriculture which the tenant had contracted to perform, and by the non-performance of which he would forfeit his tenancy? That was a point of so much importance that it required further illustration.

MR. H. R. BRAND remarked, that if the Committee were to engage, at this stage of the Bill, in discussions which were more relevant to Clause 7, it would never be finished. The right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross) had put the case of a man who had taken a farm subsequent to the passing of the Act of 1870, and asked what it was he would have to sell? To this, he answered he had to sell his right of undisturbed possession. The Amendment of the hon. Member for Mid Lincolnshire (Mr. Chaplin) was contrary to the principle of the Bill; and not only so, but contrary to the principle of the clause, that—

> "The tenant for the time being of every holding to which this Act applies may sell his tenancy for the best price that can be got for the same;"

which had been passed by the Committee. By the Amendment the tenant's interest might be entirely absorbed under cover of the landlord's right of pre-emption. He wanted to know how any distinction could be drawn between the value of a farm, when sold to a third person, and the value of it when the landlord exercised his right of pre-emption? All these attempts to prevent a man giving, under competition, a certain value for the possession of a farm were useless." But what it was necessary to provide against was that the mere competition value for the possession of a farm exclusive of the value of the tenant's improvements should be considered as a factor in determining the rent of the landlord. He asked the Committee to bear in mind the words of the Prime Minister when he said this would have nothing to do with the value of the rent. When Clause 7 was reached it would be found that a great deal of time had been wasted in discussing this point.

SIR STAFFORD NORTHCOTE: The hon. Member for Stroud (Mr. Brand) says we are discussing what ought to be discussed on Clause 7. But I must remind him that Her Majesty's Government have been asked whether they have not certain Amendments to propose to that clause, and that the Prime Minister stated that before they could decide as to Clause 7, they wished to know what we were going to do with Clause 1.

MR. GLADSTONE: Not quite that. I said I thought we should be much better able to open the question of Clause 7 when Clause 1 was disposed of.

SIR STAFFORD NORTHCOTE: That, of course, may be a difference as far as the Government are concerned; but, as far as the House is concerned, we shall be very much in the dark as to what is open with respect to Clause 7 as long as Clause 1 remains undisposed of. This question of the "something" which the tenant has to sell is continually presenting itself. I understand that everybody agrees that the tenant ought to be compensated for improvements which he effects, and that he ought to be repaid what he has given for the tenant right; but with regard to the "something" which is beyond that, we really stand in need of a definition. It does not follow that because the tenant has a right to undisturbed possession that, therefore, he has a right to sell that possession. That is always assumed, but it does not follow. Take the common case of a landlord having a farm to let, and of two persons presenting themselves as tenants. One is willing to give £100 and the other £150 a-year. The landlord, on various grounds, might think it better to let it to the person who offered £100 than to him who offered £150. It does not follow that because he has let the farm for £100 the tenant has the right the next day or year to sell the property which has been let to him, perhaps, because he is a good tenant, to somebody else, and pocket the difference which the landlord has for good reasons refused to take. If the raising of the rent is suggested as a remedy, that brings about exactly the condition of things which we complain of. The difficulty has been the raising of the rent; and if that is objectionable, clearly the raising of the rent is not a remedy. We want a definition that will give us a tangible idea of what this "something" is which the tenant may sell; and if it be the case that we have spent a considerable time over Clause 1, I cannot think the Committee are to blame for asking for that full explanation which they are entitled to.

Mr. CHARLES RUSSELL hoped the time expended upon this Amendment had not been wasted. He would endeavour to answer the arguments of the right hon. Gentleman in a few words, and would ask to be allowed to put a case which was possibly not in the minds of hon. and right hon. Gentlemen. Assuming the Act of 1870 had not been passed, what was the position of a tenant holding from year to year? He had, in point of law, a recognized estate in the land, and one which, as far as legal recognition went, was as high an estate as one for a term of years; he had the right of disposing of it. This was a right in law incident to the estate he had. It was perfectly true that this right was cut down by custom, and sometimes by express agreement; but in the much greater number of cases it was left to the ordinary legal incidents which attached to it. He ventured to say, subject to correction, that the tenant in such a position had, apart from the Act of 1870, a disposable interest in his holding. The Act of 1870 had made that disposable interest more secure, because it had put upon the landlord a penalty which rendered it less likely that he would disturb the tenant. That being so, what did the present Bill propose? It provided, in the 1st clause, merely to recognize that which was the legal estate of the tenant in the land. Then came the case of the demesne land let at £100 a-year. If that sum represented the outside value of that particular demesne land, the estate and interest of the tenant was something very small. Still it existed, and the measure of its value was that which somebody else was willing to pay for it. The real effect of the Amendment would be to exclude from the consideration of what was the tenant's interest that which had been called the goodwill. The hon. Gentleman opposite (Mr. Chaplin) had quoted a high authority with regard to the extension of the Ulster tenant right. He (Mr. Charles Russell) should very much like to see the context in which that language was used. But he would venture to say that the same principle of justice which gave to the Ulster tenant his tenant right existed all over Ireland. That, however, was not the point. They were dealing with tenants from year to year with certain legal incidents attaching to their tenancies, including the reasonable expectation of continuing in their tenancies. That right was recognized by the Act of 1870, and that right he conceived it to be the object of this Amendment to cut down.

Lord GEORGE HAMILTON did not think the hon. and learned Gentleman who had just addressed the Committee (Mr. Charles Russell) did not properly estimate the motives which had induced hon. Members on that side of the House to place on the Paper Amendments to Clause 1. He had no objection whatever to the tenant selling his interest; but he objected to his selling that which the Bill deliberately pointed out did not belong to him. The Prime Minister and the right hon. and learned Attorney General for Ireland stated, over and over again, that a man could not sell that which was not in him, and yet the Bill contemplated the sale by the tenant of the improvements of the landlord as well as the sale of the difference between the rent imposed and the statutory rent which he might get. It was true that, after he had sold, he was to return the landlord's portion. But to say to a man—"Whatever you sell must belong to you; you are to sell something or other, but if, after you sell it, you find that a certain portion belongs to somebody else, you are to refund it"—was not that, he asked, to sow the seeds of future agitation in Ireland? The argument of the right hon. and learned Attorney General for Ireland, that he could not sell what was not in him, would be set at nought by the tenant, who would at once say—"It is robbery to prevent my keeping what I have sold." He wished to point out a great difficulty that would arise if this unlimited tenant right were allowed. There would, perhaps, for the next two or three years be fancy prices given for holdings. The only thing which kept up their price was the limited number of farms which came into the market. If, therefore, any large number were offered for sale, it was absolutely certain that the tenant right would diminish in value, and then every tenant who had paid money for his tenancy would say he could not get his money back, because the rents were too high. That had been the case before, and would be so again. Further, if you gave the tenant the right of selling that which this Bill declared did not belong to him, while, at the same time, it was said that the only protection for the landlord was that he could raise the rent, would not that compel landlords to apply to the Court to have their rents raised, whether they wished it or not? For these reasons he should support the hon. Member for Mid Lincolnshire (Mr. Chaplin), if he went to a division.

MR. SYNAN said, the Court would decide what were the improvements of the landlord, and what was the value of the tenancy, after having before it evidence as to the improvements of the landlord. With respect to the test case put by the right hon. Gentleman the Member for South-West Lancashire (Sir R. Assheton Cross), who asked what the tenant of demesne land let at £100 a-year had to sell, he (Mr. Synan) ventured to say that if he had contracted himself out of the Act of 1870, he had nothing to sell; if not, he had an assignable interest. He was also in the position of having an insurance under the Compensation for Disturbance Clause, which insurance was of some value; and, therefore, under the Act of 1870, he had a valuable interest, independent of occupation. With respect to the question of improvements raised by the noble Lord the Member for Woodstock (Lord Randolph Churchill), he pointed out that the Committee had not to decide upon improvements. They would be decided upon by the Court, as provided by the Bill. He quite agreed with the hon. Member for Stroud (Mr. Brand) that they were discussing upon Clause 1 a point which belonged to Clause 7. It was, therefore, not the time to discuss this Amendment; and until Clause 7 was reached the interest of the tenant could not be exactly defined.

LORD RANDOLPH CHURCHILL asked if the Prime Minister wished the Committee to understand that it was the intention of the Government that the definition of improvements contained in the Act of 1870 was no longer to be regarded by the Court as defining the improvements which they were to take into consideration?

MR. WARTON said, if the Government wished to save time, the best way to secure that result would be for them to say what it was the tenant had to sell. The Committee were treated, almost every day, to fresh and always enlarged definitions in connection with that subject. The Committee should remember that there had been an agitation in Ireland extending over a long period, and directed towards making the tiller of the soil the owner thereof. That, he said, was the plain, straightforward object of certain Members of the House; and when the Premier descended to make use of the expression "the right arm of the tenant," he was, in plain words, pandering to that object.

THE CHAIRMAN: I must point out to the hon. Member that he is travelling beyond the Amendment before the Committee.

MR. WARTON, continuing, said, the Premier had laid down that evening his last, and therefore his largest, definition of what it was that the tenant had to sell. The right hon. Member for South-West Lancashire (Sir R. Assheton Cross) had put the case clearly and plainly when he asked the Committee to consider what on earth the tenant had to sell when, holding a farm of the value of £100 a-year, he paid just £100 a-year for it. What was it that he had to sell? The Premier said "the right of occupancy." But, supposing the bargain to be an equal one between the landlord and the tenant, had not the landlord some right also—the right to have a tenant? Was not that an equally valuable property with the right of occupancy? Those hon. Members who were landlords knew perfectly well how hard it was to have land unlet. If the tenant was to be compensated for his right of occupancy, why was the landlord to have no compensation for his unlet land? The Premier had at last taken refuge in the phrase—"He has got the value of his tenure." But the value of the tenure where the rent was fair was exactly nothing; and the object of the Government was to say, in one voice, to those who had brought on this agitation—"We will give you something," and, in another voice, to other people—"We will make some excuse, pretending to sell some right, while we know perfectly well that no such right exists."

Mr. EDWARD CLARKE said, he had no desire to be unreasonable in prolonging the discussion on that, or on any other Amendment; but he thought the Members of the Government were unreasonable in the course they were taking. Two or three speeches had been made from the Opposition Benches, propounding propositions which it was desirable that they should understand before a division was taken, and they had only been answered by an excellent aide-de-camp of the Government below the Gangway—he referred to his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell)—who, however, had not met the case put by the right hon. Member for South-West Lancashire (Sir R. Assheton Cross). All this really arose from the reticence of the Government as to the real meaning of what was to be given to the tenants of Ireland. If they would only explain, the Committee might be clear in dealing with the matter. It had been objected that they were discussing on the 1st clause of the Bill a question which would properly arise on the 7th, and that objection applied not merely to the particular Amendment now before the Committee. But when they came to the discussion of the 7th clause, it would be said, if the 1st clause was allowed to be passed in its present form, "Oh, you have already disposed of the matter!" ["Hear, hear!"] No answer of any kind had been given from the Treasury Bench to the question put by the right hon. Member for South-West Lancashire. It had been suggested by the hon. Member opposite (Mr. Synan), who apparently did not understand the proposition put before the Committee, that the tenant who had taken his holding under the Act of 1870 had already got and was entitled to sell that for interest in his tenancy which arose from a right to compensation for disturbance. But the question put to the Government was this. Assume a case in which a tenant had come in and had paid a rent calculated upon a right to compensation for disturbance—that was to say, a rent which would have been excessive if no such right of compensation for disturbance had existed. It was clear that the tenant who came in upon those terms had nothing to sell, except the value of the improvements he had made. If he had anything more, it should be specified in the 1st clause, or otherwise the consequence would follow which had been pointed out by the noble Lord the Member for Woodstock (Lord Randolph Churchill)—that by the 1st part of the Bill they authorized the tenant to sell something which did not belong to him, in order that in a subsequent clause they might restore that part which did not belong to him to the person to whom it rightly did belong.

Mr. HICKS said, he had never before troubled the Committee with one observation during the whole of the debates on this question. He had listened now for an hour to the debate on this Amendment; but, with the exception of the speech of the Prime Minister, he had not heard one word from the Treasury Bench. As an independent Member, he protested against this mode of conducting debates. They were told of Obstruction; but he maintained that the Obstruction came from the Treasury Bench. If the Government wished to pass this, or indeed any Bill, and to have the support of independent Members, they must give clear explanations of the views and objects at which those measures aimed. The Government had been asked a plain question; but for more than an hour the Committee had failed to get an answer from the Treasury Bench. And yet the question, though important, was surely simple and easy to answer if the Government really knew the objects of their own Bill. The question was this. If the owner of the land let a farm at a fair rent to a tenant to-day for £100 a-year, and that tenant, from any cause whatever, changed his mind to-morrow morning, and did not wish to become a farmer, what could he possibly have to sell? Surely the landlord had as great a right to choose his tenant as the tenant had to choose his landlord. In letting a farm, he (Mr. Hicks) did not necessarily want to let it to the highest bidder, but to the tenant who would cultivate it in the best manner, and be of use and benefit to the land and to the neighbourhood in which he lived. It was no answer to him to say that the tenant should have a right to let it to somebody else, and put the money in his pocket, and be of no use whatever. A plain question had been put to the Government by the right hon. Member for South-West Lancashire (Sir R. Assheton Cross) and by the right hon. Baronet the Leader of the Opposition; but to that question no answer had been given, and until an answer was given, he hoped the Committee would not divide upon the subject.

LORD RANDOLPH CHURCHILL (who spoke amid some manifestations of impatience) thought the hon. Gentleman who had just sat down (Mr. Hicks) had a great deal of right on his side. He (Lord Randolph Churchill) was aware that, in the opinion of the Government, any question which did not emanate from ex-Cabinet Ministers, but which happened to come from unofficial Members of the Opposition, were not of themselves entitled to an answer. ["Oh, oh!"] That was the view of the Government; and whenever any questions put by persons other than ex-Cabinet Ministers did receive replies, that was to be regarded as a merciful dispensation, which they were not to look for as a habit. [*Cries of* "Question!"] That was very much to the Question. Two questions had been put to the Government that evening by independent Members of the Conservative Party, and to neither had the Government condescended to give an answer. It must be remembered that the Conservative Party, so far as he (Lord Randolph Churchill) could judge, had conducted the discussion on this Bill with the greatest possible fairness and consideration for the Government. ["Oh, oh!"] He did not think any impartial man would deny that fact. All their speeches had been to the point, and had been marked by brevity, which was more than he could say for the speeches of hon. Gentlemen opposite. They knew the complications of this Bill, and its great length, and the number of Amendments put down, and in every way in which fair Parliamentary treatment could be given they had given it. He felt that Members on both sides would not be disposed to deny that. The Bill was a matter of great complication, and points would arise from time to time which required elucidation from the Government. The Prime Minister himself had a manner of answering speeches made upon Amendments which in itself raised a whole cloud and host of new points. That had been illustrated most remarkably to-night. But when questions were put to the right hon. Gentleman upon his own speech, he wrapped himself up in disdainful silence, and his Colleagues on the Treasury Bench were not allowed to say a word. ["Oh, oh!"] The Committee were asked to go to a division completely in the dark. ["No, no!"] Well, he would not say "the Committee," he would say "hon. Members on the Opposition side," for they did not pretend to the superior wisdom which illuminated the other side of the House. Hon. Members on the Opposition Benches were asked to go to a division while wholly and completely in the dark as to a most important point, which the Prime Minister had raised in his speeches; and although questions had been put by three or four Members of the Opposition, they had been treated with the utmost disdain. He wished to appeal to the Government, and to point out that they could not make that progress with the Bill which would be satisfactory, if that course were pursued. He could not account for their obstinate and, he must say, extremely rude silence—["Question!" *and* "Order!"]—for it was neither more nor less than discourteous, considering the treatment they had received. Considering their marked discourtesy——

THE CHAIRMAN: Order, order! The noble Lord——

LORD RANDOLPH CHURCHILL: I beg to move, Sir, that you do report Progress, and ask leave to sit again.

THE CHAIRMAN: The noble Lord has put himself in Order by that Motion.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

MR. GLADSTONE: I do not know whether the noble Lord opposite (Lord Randolph Churchill) is serious in making that Motion. The questions which he complains we have not answered are not, as it appears to me, now before us. What constitutes tenant's improvements is a matter which will come on for discussion in a later portion of the Bill; and, considering the detail to which these matters run, it appears to me, I confess, quite enough to say, in answer to the Amendment of the hon. Member for Mid Lincolnshire (Mr. Chaplin), that we place a wider construction upon the word "improvement" than is given to it by the terms of the Act of 1870. Then the noble Lord invites me to say in what respect we place this wider construction, and, thereby, completely to draw us off from the point under consideration, and into another matter which will come on for regular discussion at a later part of the Bill. When we come to determine the question of improvements, then will be the time for considering whether we are right in our definition of the terms, or whether the hon. Member is right. If the noble Lord is anxious to know more on that subject, I would refer him to the 23rd page of the Report of the Bessborough Commission of Inquiry, where he will find set out the particulars in which the definition of the Act of 1870 falls short.

MR. CHAPLIN said, he quite acquitted the Government of any intentional discourtesy. He thought that when they did not reply to those who sat opposite to them, it was from no want of courtesy or good manners, but because they were quite unable to answer. The Prime Minister had been somewhat hard on his noble Friend. ["Oh, oh!"] Hon. Members should recollect that one of the main grounds of objection which the right hon. Gentlemam took to his (Mr. Chaplin's) Amendment was that the improvements for which he (Mr. Chaplin) was prepared to give compensation were improvements mentioned in the Act of 1870, and, so far as he could tell with the Bill before him, he understood that they were the improvements contemplated in the present Bill, because among the Definition Clauses were these words—

> "Any words or expressions in this Act which are not hereby defined, and are defined in the Landlord and Tenant (Ireland) Act, 1870, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the last named Act."

He thought that hon. Members on the Opposition Benches were met with less than justice when, after they complained that the tenant right as laid down in this clause was not restricted, and that there would be an unregulated tenant right, they were told on high authority that the proper means of restricting the tenant right was by the landlord or the Court. For they were also told that those powers were practically useless. They were told, "Oh, you must not discuss the question of rent now;" even though the question had been raised by the Government themselves. This was the treatment they had received all along; it was always the same story. It was either "too early," or "too late," whenever a question was raised which the Government could not, or dared not, answer.

MR. T. COLLINS expressed a hope that the Motion now before the Committee would not be pressed to a division, seeing that the noble Lord the Member for Woodstock had obtained the information he asked for.

MR. NEWDEGATE believed he had studied that question of tenant right longer than any hon. Member in that House. The Prime Minister had said that this Bill would create a right in the tenant. What the Members of the Opposition wished to know was what that right would be. They wanted to know what would be its value, because the right hon. Gentleman said it was to have a value. The right hon. Gentleman had, however, refused to describe, in the slightest degree, the extent of the right, or the value attaching to it. That, at all events, was the impression which prevailed upon the Opposition Benches.

MR. H. H. FOWLER said, there was another question which he wished to put to the Government, and he would take that opportunity of putting it, because it was as important as any the Committee had had before them that evening, and it was regarded with great interest out-of-doors, as well as by a large section of that House. What were the intentions of the Government with regard to the position and progress of the Bill? Here they were at the end of the first night after the Whitsuntide Recess, two months after the Bill had been brought in, and they had not yet reached the 20th line. There were hundreds of Amendments on the Paper, and the course of proceedings indicated that the threat which was uttered during the debate on the second reading of the Bill would be carried out—the threat that the Bill would meet with prolonged, severe, and bitter opposition. These threats, it seemed, had not been vainly used. At the present time, Ireland was in a most critical position. [MR. WARTON: By whose fault?] No one could shut his eyes to the fact that a large portion of the Irish people were in avowed antagonism to the law, and there was but a short distance between avowed antagonism and open conflict. This was not the time to trifle with the question. The people of Ireland were in this position—that the Government were employing 50,000 armed men to carry out a law which the responsible Government of the Crown, and an overwhelming majority of that House, had declared to be unjust, and a law which ought to be repealed; and the Government could not on any principle of justice or fairness allow these cruel evictions to be carried on for three, or five, or six months, as would have to be the case if this sort of textual revision of the Bill was allowed to go on for an indefinite period. There was also another thing which he wished to ask. When the Government early this Session found it necessary to bring in a measure of coercion, they invited the House to put every other Business on one side, and to proceed with the Bill *de die in diem*. Again and again the House did sit through the night, and once they sat for 41 hours at a stretch, so that there should be no delay. He asked the Government now to put their foot down upon the Bill. The House of Commons should do one of two things—it should either turn out the Government, or pass the Bill. He felt that this question was being trifled with now. There had been trifling this evening — repeating second reading speeches — and he thought Her Majesty's Government should now tell those who were prepared to support them, and should also tell the country, which was eagerly watching the conduct of the House, what course they meant to take in the face of threatened Obstruction compared with which all that they had endured from the Irish Members paled into insignificance.

SIR STAFFORD NORTHCOTE: I do not know with what object or expectation of advantage the remarks which we have just listened to have been made. If the Government have anything to say on the question raised by the hon. Member for Wolverhampton (Mr. H. H. Fowler), we shall be glad to hear what that something may be; but with regard to the course which we have taken, both on former occasions and more especially to-night, I say that we have taken and are taking the course which we are bound to take. We do not admit that hon. Gentlemen opposite have a monopoly of patriotism in this matter, or of a desire to do that which is for the good and pacification of Ireland. But to pass this or any other Bill without proper explanation and a proper understanding of what it contains, is not the way to pacify Ireland. It would only lead to future misleading and difficulty, and we should be failing in our duty if we did not take all proper and legitimate methods of endeavouring to extract from the Government proper explanations as to those points which appear to be uncertain and to require consideration. As to the discussions which have taken place to-night, no one who has attended to them can fairly say that there has been anything in the nature of deliberate obstruction or waste of time. We have been asked to consider a Bill which has never been properly explained; and, at the beginning of the evening, the Government themselves, by the significant change of a single word in the Bill, have caused a great deal of discussion. When they chose, after deliberately proposing that the words should run thus—"Or, in the event of disagreement, the question may be settled by the Court," to change the word "settled" into "ascertained," it was perfectly obvious that they had a meaning in that change, and it is owing to the change they have thus made that a great deal of discussion has been provoked. It is absolutely necessary that we should challenge and criticize every word of an important Bill like this, which is to be the law of the country for a considerable time, especially when we consider that by misleadings, from whatever cause they may have been, the Act of 1870, passed under the auspices of a Government related to the present, failed to carry out the intentions with which Parliament passed it. We do not want to have the same thing happen over again. If we are at times a little too pressing in asking questions, I think we should be better met by frank and ready answers. I hope the noble Lord the Member for Woodstock (Lord Randolph Churchill) will not press this Motion for reporting Progress to a division; but we do wish to have it clearly understood that we shall think it our duty, whatever may be the opinion of the hon. Member for Wolverhampton, to discuss this Bill, and to endeavour to settle it in a manner which will make it a fair and reasonable settlement of a great and important question. I can quite understand that my noble Friend the Member for Woodstock has good cause to complain that his question has not been answered, and yet I hope he will not persevere with the Motion he has made.

Mr. GLADSTONE: Sir, it is but natural that the right hon. Gentleman opposite (Sir Stafford Northcote) should, in estimating the reasons for the exceedingly slow progress we are making—although the urgency of considerations pressing from outside would seem to call for more rapid progress—it is quite natural that he should lay the whole blame of this on the manner in which the Government have failed to explain their views in regard to this Bill. But we have used our best exertions to explain; and I may venture to say that the accusations coming from the opposite side have been absolutely contradictory and destructive of one another. Those who have listened to-night will find that, in many instances, including that of the right hon. Gentleman himself, they have been accusations of an obstinate reticence and the avoidance of discussion of topics raised by the Bill. The other half of our accusers have said, and have, I think, said with an equal amount of truth and accuracy, that we have given half-a-dozen explanations of every important point, each explanation differing from the others. That would seem to indicate an officious zeal, on our part, carried to an unwholesome excess. I shall avoid accusations of the kind. I have considerably more interest and responsibility with regard to the progress of this Bill, and with regard to what is taking place out-of-doors, than have right hon. Gentlemen opposite. I admit fully their duty to canvass and examine the Bill with care, and even with jealousy, and I make no charge against anyone. I think, however, it is my duty to say with reference to what has fallen from my hon. Friend (Mr. H. H. Fowler), that I believe the sentiment he has given utterance to—namely, of great interest, of great anxiety, and of some dissatisfaction—is a sentiment rather widely spread throughout the country. I carefully avoid making any charge against anyone; but I do not accept the liberal manner in which the right hon. Gentleman has charged the whole blame upon Her Majesty's Government on account of obstinate reticence. But it is our duty to lay to heart the very grave considerations that have been raised by this controversy; and my hon. Friend may depend upon it that, from day to day, they are never absent from our minds. We wish to feel the ground under our feet a little more closely, a little more surely, before we arrive at any decision; but our intentions and our convictions with regard to the necessity of bringing this Bill forward, and, if possible, of obtaining to it the assent of the Legislature are, if I may say so, stronger than ever. There are no legitimate means that we can use that we shall hesitate to employ with the view of attaining that end. We shall not hesitate to make such requests as the urgency of the circumstances may appear to require, in case we should find that the rate of progress continues to be such as to make it hopeless to deal with the Bill within the limits ordinarily accorded to such discussion. We have thought it right to allow considerable time to elapse before arriving at any conclusion regarding the making of a further demand upon the time of the House, because we think it right to consider that although we are only still in the 1st clause, and in the early part of the 1st clause, after we have been five or six nights in Committee, yet it is natural to expect that on a subject of this kind many hon. Gentlemen who were so unfortunate as not to secure a hearing during the debates on the second reading, should, more or less, seek the opportunity for the discharge of accumulated thought when occasion offers in Committee. Besides that, there have been many subjects of great importance affecting the character and substance of the Bill that have received material elucidation. We have also affirmed one of the most important of all the principles of the Bill in the apparently slight progress we have already made. We wish, therefore, to avoid a premature conclusion, and, above all, to avoid reflections upon anyone; but we shall continue to watch from day to day the course of circumstances, and we shall not shrink from any duty that the future may seem to impose on us.

Motion, by leave, *withdrawn.*

Question put.

The Committee *divided:*—Ayes 145; Noes 244: Majority 99.—(Div. List, No. 244.)

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Gladstone,*)—put, and *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

ALKALI, &c. WORKS REGULATION BILL—[*Lords*]—[BILL 119.]

Mr. Dodson.)

COMMITTEE. [*Progress 2nd June.*]

Bill *considered* in Committee.

(In the Committee.)

MAJOR NOLAN, in rising to move the following new Clause:—

(Application of Act as regards Ireland.)
"In Ireland this Act shall only apply in the County and City of Dublin, and in towns of over 50,000 inhabitants, save so much of this Act as repeals the former Alkali Acts which apply to the whole of Ireland,"

said, it was unnecessary again to take up the time of the Committee with arguments which he had advanced on a former occasion, and he hoped the Government would accept an Amendment which would be of the greatest advantage to Ireland generally.

New Clause (Application of Act as regards Ireland,) — (*Major Nolan,*) — *brought up,* and read the first time.

Motion made, and Question proposed, "That the Clause be now read a second time."

MR. DODSON said, he hoped the hon. and gallant Gentleman (Major Nolan) would not press this clause, for it was one which, as a matter of principle, the Government could not accept. At the same time, the practical effect of the Bill would be *nil,* for the hon. and gallant Member was aware that these works were nearly all in the neighbourhood of those towns which his clause would exempt from its operation.

MR. O'SHEA said, that he, with many other hon. Members, were certainly, at the close of the last Sitting of the Committee, left under the impression that the Government would accept this Amendment of the Bill, and it was a surprise to both him (Mr. O'Shea) and them to hear the right hon. Gentleman's refusal.

MR. M. BROOKS hoped his hon. and gallant Friend (Major Nolan) would not persevere in pressing the clause. He would like to point out that there was at that time being honestly carried out in Ireland a great sanitary measure; and, unless Ireland were brought under the operation of the Bill, there would not be that development of manufactures so desirable. Without such regulation in the works, residence in their neighbourhood would be intolerable, and property, in consequence, must become depreciated in value.

MR. HEALY said, it had been on the understanding that the Government would bestow favourable consideration upon this proposal that they had allowed Progress to be made with the Bill on the last occasion. He was astonished to see the Government come down now and, without favouring them with any reasons for its refusal, say that they could not accept the Amendment. He hoped the hon. and gallant Member would go to a division.

MR. TENNANT had not heard that Englishmen or Scotchmen complained about the measure, and pointed out noxious vapours did much more harm in the country—where vegetation suffered—than in large towns.

Mr. CALLAN said, the hon. Member who had just sat down (Mr. Tennant) had informed them that it was not in large towns that the injury was done, but in country places; and, as an Irish Member representing a large agricultural district, he rose for the purpose of supporting the Amendment. During the progress of the Coercion Bill through that House, he (Mr. Callan) had very often seen the hon. Member opposite (Mr. Tennant) supporting it, and he alleged that in so doing he was fighting for the interests of the Empire. He had heard no such allegation in regard to the matter before the Committee. Perhaps, however, the hon. Member had spoken for the Irish people in his constituency. He (Mr. Callan) wished to give a piece of advice to the right hon. Gentleman the President of the Local Government Board in his dealing with the Irish Members, about whom he knew so little, and, no doubt, cared less. He would advise the right hon. Gentleman not to lead Irish Members to believe that he was inclined to accept their Amendments, and then to endeavour to get off without any explanation—to say that he could not accept them without giving any reason.

Mr. WARTON hoped the House would support the proposal of the hon. and gallant Member for County Galway (Major Nolan), and on two grounds. The first was this—without venturing to say that there was a specific pledge, there was a hint given at a late hour of the morning that if the Irish Members did not press their objection, their feelings and wishes would be considered. The second ground was that they were all desirous of promoting the welfare of Ireland, and of seeing manufactories started there, as Ireland had very few of them, and, when they were established, they should be attended with as few restrictions as possible.

Mr. ARTHUR O'CONNOR said, he would deprecate going to a division on that question. The Bill had been on the Paper for a long time, and it was still two stages from the end; therefore, it was not at all unlikely that they would have to fight the battle again when the Amendment was rejected. He did not know whether his hon. and gallant Friend (Major Nolan) thought it would tend to the progress of the measure or the dignity of the House to discuss the question over and over again. For his own part, he would counsel the withdrawal of the Amendment, and to take the decision upon the question, finally, at a future stage.

Mr. DODSON said, he was extremely sorry if anything he had said the other night had given rise to a misunderstanding in the minds of hon. Members. He was certain he did not intend to do so, and he was certain he did not give a pledge to anyone. What he had said was that he would give the matter careful consideration. Well, that he had done; and, as a result, he was bound to say on the part of the Government that he could not accept the Amendment at all. He could assure hon. Members opposite that he was anxious to promote the interests of Ireland as far as he could in the matter.

Mr. HEALY said, the right hon. Gentleman had never given any reason for his refusal. If there was a strong opinion on the part of the Government, surely it was based upon something, and that something he should like to know.

Mr. DODSON said, the effect of the Amendment would be to give one law to one part of Ireland, and another to another, and to that principle the Government could not assent.

Mr. SCLATER-BOOTH said, that, on a former occasion, great anxiety was evinced by the Irish Members that the provisions of this Bill should be extended to Ireland.

Mr. DILLWYN said, that if the hon. and gallant Member (Major Nolan) divided the Committee he would support him, as he could not help believing that the effect of the Bill would be to prevent the establishment of new alkali and other similar manufactories in Ireland.

Mr. MACARTNEY said, it was assumed by some hon. Members that the Irish Representatives were in favour of exempting Ireland from the Bill. They had had a long discussion of the question on a previous occasion, and hon. Members from the North, South, and East of Ireland, and from the large towns where the manufactories existed, spoke in favour of having the Bill extended to those places. It was only where these manufactories did not exist, and the people were not affected by ill-regulated works, that they did not desire the measure. If the object of the Bill was to extinguish these manufactories, it would neither be accepted in England or Scotland. Such was not its object; but it was intended to regulate these works, so that noxious vapours should not spread throughout their neighbourhood.

Question put.

The Committee *divided*:—Ayes 16; Noes 140: Majority 124.—(Div. List, No. 245.)

Schedule.

On the Motion of Mr. DILLWYN, the following Amendment made in page 14, line 7, by inserting after "copper," the words "or other metals."

On the Motion of Sir SYDNEY WATERLOW, Amendment made, by leaving out, in page 14, line 8, the following words:—

"(2.) Cement works (that is to say): Any works in which aluminous deposits are heated for the purpose of making cement."

MR. BOORD said, he rose for the purpose of moving the addition of "tar works" to the Schedule, and the reason he did so was because in the constituency he represented great nuisance was caused by tar works. Blackheath, Woolwich, and several other places were included in that district, and they were in this unfortunate position, that they had two foul smells—one produced by sulphuretted hydrogen, and the other by he could not say what. The sulphuretted hydrogen undoubtedly proceeded principally from the tar works situated on the north bank of the river; and, if the right hon. Gentleman (Mr. Dodson) would kindly refer to the Report of the Royal Commission in 1878, he would find that evidence was given before the Commission which showed that sulphuretted hydrogen was produced from tar works. He thought, therefore, he was right in saying that the foul smell of which the inhabitants of Blackheath and Woolwich complained was produced by the tar works, and for that reason he would ask the right hon. Gentleman to include those works in the Schedule. Complaints of the nuisance to which he referred had been made, not only by the inhabitants—who had been obliged to organize a sanitary association in order to endeavour to get rid of the nuisance—but also by the inhabitants of Woolwich, and the military authorities of Woolwich.

Amendment proposed,

In page 14, to add the words "(8.) Tar works (that is to say): Any works in which the distillation of tar, or manufacture of dyes therefrom, is carried on."—(*Mr. Boord.*)

Question proposed, "That those words be there added."

MR. DODSON said, it was quite true, as the hon. Member for Greenwich (Mr. Boord) had said, that evidence was taken, with regard to these tar works, before the Royal Commission, and that it was stated in the Report that they gave out sulphuretted hydrogen, which was, no doubt, a very unpleasant gas. He did not know what the other matter was to which the hon. Member had referred, although, apparently, it was not less unsavoury than sulphuretted hydrogen. But the recommendation of the Royal Commission was that tar dye works should be placed under simple inspection. They were placed in the catalogue of other works that were to be subjected to simple inspection only for the reason that the Commission stated, after hearing the evidence, that they were not prepared to recommend any specific method or ready means of abating the evil. The principle upon which they had proceeded in this Bill was not to subject any works to simple inspection. They only proposed to touch those works with which their Inspectors saw their way to deal, and they did not wish to incur unnecessary expense by increasing the staff of Inspectors. In course of time, as they saw the working of the Bill, and as medical science progressed, it might be possible to add to the Schedule of works. Many manufacturers might express a desire to have their works added to the Schedule, and if at no distant time—as he hoped would be the case—the Inspectors saw their way to deal practically with the works, the Government would be ready to extend the operation of the Bill.

MR. SCLATER-BOOTH was sorry to hear the right hon. Gentleman say he was not prepared to deal with these tar works. The question was a wider one than the right hon. Gentleman seemed to think, for the omission of some half-dozen works from the Schedule showed that the comprehensive spirit in which the Bill was originally framed had been departed from. Following the lines of the Royal Commission, when the Bill was drafted, it was understood that it was to be so comprehensive that all works from which noxious vapours escaped should be dealt with. He should have thought that all works to which no specific limitation was applicable would have been placed in such a position as to be under the obligation of preventing the escape of such noxious vapours as chemical science might from time to time find a remedy. The right hon. Gentleman admitted that chemical science might find a remedy for some of the nuisances, but there would be no machinery in the Bill for applying the remedy so discovered. He was sorry this provision was to be omitted from the Bill, as he believed it destroyed the justification of the Bill as a measure of public policy. Without a full Schedule the measure was merely one for the extension of the Alkali Works Regulation Act, and for one or two other objects.

BARON HENRY DE WORMS trusted the right hon. Gentleman would re-consider his decision in this matter, as it seemed to him that the Bill would be utterly useless unless the Amendment were accepted. If the House admitted that these works did give off a vast amount of sulphurous gases which were exceedingly deleterious, he could not understand why a Bill of this kind, which was supposed to be dealing with noxious gases, should not be supposed to lead with such dangerous gases as those above referred to; and he hoped his hon. Friend (Mr. Boord) would persevere and take the opinion of the Committee. As a matter of principle, he thought it would be absurd that works of this kind should not be included in a measure professing to deal with noxious gases.

MR. DILLWYN said, he had very great doubt whether the Bill would work well; but, at all events, he thought his right hon. Friend was right; and as he had expressed his readiness to add other works, if the Bill did work well, he hoped he would adhere to his decision.

EARL PERCY observed, that the House of Commons was very adverse to the bringing in of Bills to extend the operation of previous Acts, and said he thought the objections urged by the right hon. Gentleman were not of sufficient weight to prevent the proposed addition. The right hon. Gentleman objected to extending inspection to these works until the proper means of reducing the nuisance had been discovered; but it was not proposed to do that. It was simply proposed to enable the Inspector to apply the best practical means when they were discovered; and it was evident that if they they did not know the best practical means they could not apply them. He could not see the slightest hardship to the manufacturers. It might increase the expenditure on inspection; but that was precisely what the country was prepared to do. He had heard no complaint as to the expense to be incurred.

MR. BOORD remarked, that the Government said they would be willing to include these works when the proprietor desired to be included; but he should like to know when they would desire to be included? It was his opinion that they would continue to carry on these works as long as they could with impunity, and it would be hard to compel his friends to wait until such an unlikely event happened. The other smell, the origin of which he was unable to state, had been graphically described as very like that noticed near the half-consumed remains of a burning Native in India. The Amendment was of such importance to the inhabitants of Blackheath that he should feel bound to press for a division.

Question put.

The Committee *divided*:—Ayes 40; Noes 68: Majority 28.—(Div. List, No. 246.)

EARL PERCY said, he had given Notice of an Amendment to add to the Schedule works of different character, and some of these were covered by what the right hon. Gentleman had said as works in which there was no process at present known which would bring them under the category of noxious gases works proper. But there were other works which he proposed to add with regard to which it was perfectly known that at very little expense means might be employed which would entirely overcome the objectionable emanations, whether smoke or gases. The first of these were coke works; and some of the strongest evidence given before the Royal Commission had reference to coke works. The district they covered was very extensive, and the harm they did was also very extensive, while the remedy for the nuisance was extremely simple and effectual in character. In the Bill of the late Government, a proposal was made that a certain time—he believed it was three years—should be given to coke manufacturers to make such alterations as would be necessary. That period was agreed to on all hands, and he should like to know why the Government had omitted coke works from this Bill? and he would earnestly press them, even at this time, to include coke works in the Schedule. His reason for proposing to introduce them with the other works mentioned in the Amendment was that they were recommended by the Royal Commission.

Amendment proposed, in page 14, at end, add—

"(8.) Coke works (that is to say): Any works in which the manufacture of coke from coal is carried on, exclusive of any works where the coke made is a bye product of the manufacture of gas;

"(9.) Glass works in which common soda or sulphate of soda is used in the manufacture of glass;

"(10.) Lead works (that is to say): Any works in which ore containing lead or any material or product containing lead is treated for the purpose of the extraction of lead;

"(11.) Nickel works (that is to say): Any works in which nickel ore is treated for the purpose of extraction of nickel;

"(12.) Spelter works (that is to say): Any works in which ore is treated for the purpose of the extraction of zinc;

"(13.) Salt glazing potteries (that is to say): Any works in which earthenware or pottery is made, and in which the salt glazing process is carried on;

"(14.) Tar dyeworks (that is to say): Any works in which the manufacture of colouring matter from tar or substances derived from tar is carried on;

"(15.) Tar distilling works (that is to say): Any works in which tar is distilled or its products treated so as to give off noxious or offensive vapours;

"(16.) Cobalt works."—(*Earl Percy.*)

Question proposed, "That those words be there added."

MR. DODSON said, the works included in the noble Earl's Amendment belonged to the third category of works included in the Report of the Royal Commission. Those works were recommended to be subjected to inspection only, because neither the Royal Commission nor the Inspector of the Local Government Board was prepared to say what were the means that ought to be applied to them. They were only to be subjected to inspection in the hope that some means of dealing with them might be discovered hereafter. The Royal Commission, however, treated the coke works in an exceptional manner. They recommended that existing coke ovens should be subjected to simple inspection; but that all ovens erected after the passing of the Act should be required to adopt the best practicable means of preventing nuisance. In the present Bill the Government had gone on the principle of not subjecting works to mere inspection; and, therefore, they had not included any of the works which the Royal Commission recommended should be so dealt with. For that reason, he was not prepared to accept the Amendment of the noble Earl; and a further reason was, that these works not being already included in the Bill, he thought it would be hardly fair to put them in now, as it were, unawares. He hoped that before many years had elapsed many, and perhaps all, of these works would be added to the Schedule; and as to the objection that that would involve future legislation, he must point out that even if the works were now introduced and subjected to simple inspection, fresh legislation would be necessary for the application of specific standards or to make them adopt the best practicable means.

EARL PERCY, referring to the suggestion that the addition of these works now would be springing a mine on the manufacturers, reminded the Committee that this point was raised before the Committee in "another place," and that the Amendment had been put down for several weeks. He therefore did not see that there was any unfairness in now raising the point. When the right hon. Gentleman spoke of the Royal Commission having recommended that coke ovens should be placed merely under inspection, he must remind the right hon. Gentleman and the Committee that that recommendation referred to coke ovens then existing, and also that the reason why the Committee made that recommendation was that there was no other weapon by which they could bring coke ovens under control. He should like to know why the Government had not accepted what the late Government saw their way to propose—namely, that after the lapse of three years the coke oven owners should be obliged to convert their works in such a manner that they would absorb all noxious gases. The coke ovens, it was true, stood in a different position from the other works; but, for that very reason, it was perfectly easy to stop the nuisance without any hardship to the manufacturers, and without increasing, to any sensible extent, the labours of inspection. So far as coke ovens were concerned, he should be anxious to press the Amendment.

Sir SYDNEY WATERLOW pointed out that if the noble Earl's Amendment were adopted, the owners of coke ovens, who were to have three years' notice under the Bill of the late Government, would have no notice, but would come under the Act immediately. The Amendment would, therefore, be a severe measure to which the coke oven owners ought not to be subjected.

Mr. SCLATER-BOOTH said, he should feel obliged to vote with the noble Earl, but for the reasons advanced by the right hon. Gentleman (Mr. Dodson); and he must add his testimony to the statement of the noble Earl that no objection had been made to the proposed provision. If the noble Earl divided, he should vote with him; but, after the statement as to the difficulty of adapting the proposal to the measure, he did not know that his noble Friend would be of opinion that he ought to divide.

Amendment *negatived.*

Schedule, as amended, *agreed to,* and *added* to the Bill.

House *resumed.*

Bill *reported;* as amended, to be considered upon *Monday* next, and to be *printed.* [Bill 185.]

NEWSPAPERS (LAW OF LIBEL) BILL.—[Bill 5.]

(*Mr. Hutchinson, Mr. Gregory, Mr. Edward Leatham, Mr. Samuel Morley.*)

CONSIDERATION AS AMENDED.

Further Proceeding on Consideration, as amended, *resumed.*

Clause (Publication of ex parte statements before a magistrate, &c.,)—(*Mr. Warton,*)—*brought up,* and read the first time.

Earl Percy

Motion made, and Question proposed, "That the said Clause be now read a second time."

Mr. HUTCHINSON said, the hon. and learned Member for Bridport (Mr. Warton) had moved a new clause to the Bill, which was entirely at variance with its principle and purpose, and to which he therefore objected.

Sir HARDINGE GIFFARD said, the Bill had really not been discussed at all. It constituted about the greatest alteration which had been made in the law on the subject now before the House, and it was, therefore, undesirable that it should be passed at that hour (2.5 a.m.).

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Sir Hardinge Giffard.*)

The ATTORNEY GENERAL (Sir Henry James) contended that the Bill had been fully discussed. It had been before a Select Committee, and, as they had now arrived at what was a very narrow point, raised by the hon. and learned Member for Bridport (Mr. Warton), and which had merely reference to the publication of *ex parte* statements before magistrates, he sincerely trusted the House would not agree to the Motion for adjournment.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, 14*th June,* 1881.

MINUTES.] — Select Committee — Law relating to the Protection of Young Girls, *nominated.*

Public Bills—*Second Reading*—Inclosure Provisional Order (Thurstaston Common)* (76); Bankruptcy and Cessio (Scotland)* (100).

Committee—Report—Fugitive Offenders* (91); Land Drainage Provisional Orders* (104); Local Government (Ireland) Provisional Orders (Bandon, &c.)* (105); Local Government Provisional Orders (Halifax, &c.)* (106).

Third Reading—Local Government Provisional Orders (Brentford Union, &c.)* (95), and *passed.*

STATE OF IRELAND—CONVEYANCE OF TROOPS AND CONSTABULARY.

POSTPONEMENT OF QUESTIONS.

EARL FORTESCUE said, that, at the request of his noble Friend the Under Secretary of State for War, he would postpone for the present putting the Questions about conveyance for the Troops and Constabulary in Ireland, of which he had given Notice. He would add that the date, April 8, in that Notice had been printed by mistake, instead of May 13, the day on which he called the attention of the House to the large powers of impressment of horses and conveyances by land and water given to the Irish Executive by the Army Discipline Act.

NAVY—LOSS OF H.M.S. "ATALANTA."

MOTION FOR A PAPER.

VISCOUNT SIDMOUTH, in moving for a Return of the entire expenses caused by the proceedings of the Committee appointed to inquire respecting the loss of H.M.S. "Atalanta," said, that the Report which had been made by the Committee appointed by the Admiralty to inquire into the loss of this vessel had caused a great deal of pain in professional circles; and it was not, he thought, in accordance with the evidence which had been taken and also published. If the evidence had been published alone, it would have afforded much instruction. The Report had gone beyond the evidence, and was a strong condemnation upon the constructor (Sir William Symonds) of the vessel, which was one of a class well known in the Navy for about 40 years. The evidence against her consisted of a charge of excessive rolling. The evidence to that effect was given by Mr. Johns, and upon it the Report seems to have been based. Mr. Johns was, undoubtedly, a clever man, and a man of great scientific attainments; but he had no knowledge of practical seamanship, and his testimony appeared to have been brought out by Mr. Waymouth, under whom he had received part of his education. Against that evidence there were the statements of Mr. Barnaby and Mr. Barnes, who saw no reason to think that the vessel would capsize at an angle of 40 degrees. There was also the evidence of practical seamen, which was totally different to that of Mr. Johns. Admiral Wellesley thought that 40 degrees was by no means excessive. There was other evidence to show that at that inclination the men on board were perfectly able to stand on their feet and work the vessel. When the *Atalanta* was a man-of-war and called the *Juno* she was spoken of as being perfectly safe, and a most comfortable ship, and opinions were largely given in her favour. When made into a training-vessel the masts and rigging of the *Atalanta* were altered, and many persons said that she was entirely spoiled by those alterations. Sir William Symonds, when he built the vessel, said that if his conditions of construction were departed from she must not be considered as of his building. Statements had gone abroad that many of Sir William Symonds's vessels had been lost; but that was not the fact, as in 30 years four only had been lost, and every year many ships were, under the same circumstances of wind and weather, lost at sea. Sir William Symonds was a man who had many opponents, and who always hit straight and never flinched from his opinions; yet he converted many men who had opposed his system of construction. The charge made in the Report against Sir William Symonds was not against a private but a public individual —one of the most eminent men in his profession; and although he was not any longer amongst them, their Lordships would agree that the character of a public man must always be public property. He hoped, therefore, he had not wasted the time of the House in making this defence of the character of such a man, especially when the opinions of Sir Henry Keppel, Sir Bryan Martin, Sir Robert Stopford, and Sir William Parker, and many others, were in favour of his ships. Their evidence and that of others he could quote to show that the charge against Sir William Symonds's ships was unfounded. He begged to move in the terms of which he had given Notice.

Moved, "That there be laid before this House Return of the entire expenses caused by the proceedings of the Committee appointed to inquire respecting the loss of H.M.S. 'Atalanta.'"—(*The Viscount Sidmouth.*)

THE EARL OF NORTHBROOK said, that, after the observations which had been made by the noble Viscount, he would shortly remind their Lordships of the circumstances in which the Committee upon the loss of H.M.S. *Atalanta* was appointed. That unfortunate vessel left Bermuda on the 1st of February, 1880, on her return home, and had never since been heard of—indeed, not a trace or record of her had been discovered. It was about the time of the change of Government that hope was finally given up; and the Board of Admiralty, over which he had the honour to preside, thought that it was desirable to cause an inquiry to be held for the purpose of ascertaining whether any blame could be attached to the ship or to the manner in which she had been despatched on the service upon which she was engaged. In this decision Mr. W. H. Smith, the late First Lord of the Admiralty, entirely concurred, and only expressed his desire that the investigation should be most searching. A Committee was appointed, and he was satisfied that no one could challenge the qualifications of the members of the Committee. It was presided over by Admiral Ryder, an officer of distinction, of independent judgment, and indefatigable in investigating scientific subjects. Two other naval officers of high character were on the Committee. He was fortunate in obtaining the services of Mr. Rothery, the Wreck Commissioner, and the Admiralty asked Mr. Chapman, the Chairman of Lloyd's Registry, to recommend a member of the Committee, and he named Mr. Weymouth, one of the officers connected with Lloyd's. The result of the Committee's inquiry was that they came to a unanimous conclusion that the *Atalanta* was sound and seaworthy; and that her rigging, equipment, officers, and crew, were in all respects sufficient and suitable to provide for her safety upon the service on which she was employed. As respects her stability, the Committee reported that she was a stable ship, and even more stable when she left on her last voyage than in her previous commissions as a man-of-war. After such a Report the Admiralty considered that it was not necessary to take any further steps in the matter. They believed that everything that could be done had been properly done when the vessel went to sea. The noble Viscount had referred to the evidence; but he (the Earl of Northbrook) declined to deal with it, as he had the Report before him, which was that of an independent body of men, who commanded the entire confidence of the Board of Admiralty which appointed them. So far as he could see there was was no attack in it upon Sir William Symonds's ships or anything said against him; but he (the Earl of Northbrook), not being responsible for the Report, had communicated with Admiral Ryder, the Chairman of the Committee, and he would read part of a letter which he had received from that officer, which he hoped would satisfy the noble Viscount that no attack had been intended by the Committee upon the ships constructed by Sir William Symonds, whose high reputation was well known, or upon his son, Sir Thomas Symonds, one of the most distinguished officers of the Navy. Admiral Ryder, writing from the Admiralty House, Portsmouth, said—

"Dear Lord Northbrook,—I have been informed that there are Notices of Questions likely to be put about the *Atalanta* Report, but I am not aware of their nature. My attention has also been drawn to a Return, No. 81, made and printed pursuant to an Order from the House of Lords. I feel certain, and I can assure you that no statement in the *Atalanta* Report was intended to reflect disparagingly in the slightest degree on the design of the *Juno*, nor generally on the ships designed by the late Sir William Symonds, and certainly not on him personally, the most renowned, and justly so, of the naval architects of this country. Without reference to my naval coadjutors (for which there is no time), I can only speak of my own recollections of his ships. I commanded one vessel designed by Sir William Symonds, and was very proud of that command. I shared with, I believe, every captain in the Service the earnest desire to be intrusted with the command of one of his frigates or line-of-battle ships. The exquisite beauty of Sir William Symonds's ships won all hearts—and that these productions of his genius, aided by his thorough knowledge as a seaman, were soon named after their father, was not a reproach, but a compliment. To have sailed in, and still more to have had the command of, one or more 'Symondites' is among the most treasured naval recollections of many of my contemporaries. With regard to the various matters touched on in our Report, the phrases used were selected with great care and after much discussion. I never met with coadjutors on a Committee more anxious to weigh every expression with a sincere desire that it should not err on one side or the other. There was, as might be expected, much difference of opinion at first; it was very gratifying to me that a unanimous Report was ultimately agreed on. Sir Thomas Symonds's evidence was requested and heartily welcomed. He was able to give not only most interesting information as to his father's designs, but also as to the ships themselves; also numerous letters of a very interesting character from officers who had commanded them, all of whom spoke of them in the most commendatory terms. We congratulated ourselves on having received

Sir Thomas Symonds's evidence, and were thankful to him for its fulness and frankness."

After such a letter from Admiral Ryder, he thought the noble Viscount would feel that he must be under an entire misapprehension when he said that an attack had been made upon Sir William Symonds's ships, and he trusted the noble Viscount would not press for the Return of the expense of the Committee, for the Motion would appear to cast a doubt upon the propriety of appointing the Committee.

VISCOUNT SIDMOUTH said, he did not wish to press for the Papers if his Motion were objected to; but he could not see why they should not be in the hands of the House. He could not understand that any reflection had been cast upon the Admiralty in this matter. He thought he was justified in saying that the Committee had condemned the *Atalanta* when they said in their Report that all the witnesses agreed that the vessel lurched and rolled very heavily; but that was not correct. The Report was, in fact, not borne out by the evidence.

Motion (by leave of the House) *withdrawn.*

DWELLINGS FOR COTTIER TENANTS IN IRELAND.

OBSERVATIONS. QUESTION.

LORD WAVENEY said, the Question which he desired to put to the Government had reference to matters which had attracted almost exclusively the attention of Parliament during the whole of the present Session. What was the reason that up to the present time no opportunity had been afforded to their Lordships of pronouncing an authoritative opinion upon any portion of the question? He could not but think that in the interest of that large part of the Empire, which was mainly considered in these questions, that it would have been well if they had it in their power to anticipate by separate action the course of the debate upon that measure which had been so sadly delayed in "another place." It was not well for it to appear that any Member of the Legislature was indifferent to the question that was now being discussed hour by hour, and it was quite competent to their Lordships, without violating the ordinary regulation of Governmental procedure, to anticipate one portion, at all events, of the general subject. The matter to which he desired on that occasion to refer was concerned ultimately with the well-being of a large class of their fellow-subjects in Ireland, and that the most dependent, the most helpless, the most unfortunate, and the most neglected. There was little to be gained in the direction of popularity by speaking of the shortcomings of those who should have protected the cottiers of Ireland in promoting their welfare. He was not speaking of the cottier tenants, but of the cottiers themselves, the hewers of wood and drawers of water, who felt in its complete bitterness how miserable it was to be in the lowest scale of life, and living in a country where the means of subsistence were so often cut short. He was aware that it had been said by the Leaders of Her Majesty's Government, and he attached due importance to the observation, that when preparing and passing a great remedial measure for Ireland through the House, it was as well not to overlay the main question by numerous minor details. In this view he had no doubt their Lordships would concur; but he must express his regret that this question of the condition of the Irish cottier had never been introduced, except by the merest accident, into the discussion of any Irish Land Bill. It was no violation of the rules of debate to notice an incidental remark made by an hon. Member in the course of the discussions in the other House—that he did not remember among the many open-air meetings held during the last eight or ten months in connection with the land agitation, more than two occasions on which the position of the cottiers was made the subject of sympathy. In a Bill introduced in 1856, the 19 & 20 *Vict.* c. 65, provision was made that where certain sanitary advantages were given the rent might be collected with greater facility; but there was no power for enforcing or initiating improved sanitary arrangements, and that was practically all that Parliament had done in the matter. It was true that since the establishment of urban sanitary authorities, great progress had been made; and it was now possible, and was, he was happy to say, the custom in large towns and cities in Ireland to see that the dwellings of the humbler classes were kept and maintained in a healthy and proper state; but he did not learn that there was any such power of enforcing sanitary arrangements in the country districts as was conferred in England by implication and inference under the 38 & 39 *Vict.* c. 55, by which sanitary boards were authorized to investigate the circumstances of the cottages in their especial districts. There were two points to which he desired to direct the attention of the Government—first, as to the means of obtaining a satisfactory system of cottage-building in Ireland; and, secondly, the importance of providing in country districts a power of initiating sanitary arrangements, and completing them, or causing them to be completed, and of enforcing penalties in case of neglect on the part of those to whom the cottages belonged. There were in Ireland the cottier tenants with three or four acres of land, and the cottiers who resided in buildings which were the property of the tenant-in-chief. These cottiers were completely in the hands and at the discretion of the farmers in whose houses they lived. He was far from saying that there was any intentional heartlessness or neglect; but when he considered how very low was the standard of comfort in all districts in Ireland, when he considered that the cottiers were the lowest of the agricultural body, living in dwellings which were miserably poor, badly clothed, and poorly fed, he could not but think that some measures were imperatively called for. In the North-East of Ireland, where the agricultural labourers were supposed to be best off, and where they supplemented their means of livelihood upon land by occupying themselves in manufactures, the value of labour had of late years risen very much; yet still the dwellings were in a deplorable condition. Before the Famine, a day's labour was obtained at Limerick for 6*d.*, whereas the wage at this time was from 2*s.* 6*d.* to 3*s.* The independent labourers were comparatively few, and it was not on their account so much as on account of those who lived in cottages belonging to farmers that he wished to speak. A witness before a Commission which had attracted considerable attention during the Recess described the condition of the agricultural labourer in Ireland as a disgrace to the country, to the Legislature, and to the farmers themselves. This gentleman, who had considerable acquaintance with the subject, and who filled the useful situation of a Poor Law Guardian, went on to say that the labourers were the most deserving class in the community, and the most neglected; that their average rate of wages was from 7*s.* to 10*s.* a-week; that their houses were of such a description that he did not know how human beings could exist in them; that the men and their families suffered in health from the cold and wet and want to which they were exposed; and that, in his opinion, their wretched hovels, which afforded no sufficient protection from cold and damp, were the cause of a great deal of the taxation through the Poor Law system all over the country. Asked if the farmers would take advantage of the offer of a loan for the purpose of providing suitable cottages for their labourers, the witness was certain a great many would do so, and that the responsibility which would be cast upon them by the offer would have an important effect. Having said this much, he hoped he had justified the Question he was about to put to the Government. It could not be supposed that they were indifferent to the condition of the people of Ireland; but there was nothing like actual visible proof of interest. They were not bound to wait for tardy legislation when an occasion offered for alleviating the sufferings of a class. He had observed how desirous the English and Scotch people were to ameliorate the condition of the people of Ireland; but he had also seen on many occasions noble and generous impulse deprived of half its usefulness from absence of accurate knowledge of the wants of the people. He begged to ask Her Majesty's Government, Whether it is proposed to introduce any legislative measure this Session to secure comfortable dwellings with sufficient allotment or garden ground, and not being conacre, and proper sanitary arrangements for cottier tenants in Ireland?

LORD CARLINGFORD: My Lords, no one can deny the importance of the subject which my noble Friend has brought before your Lordships, which I take to be the condition of the Irish labourers. Although my noble Friend describes the class to which his Question refers as cottier tenants in Ireland, I understand from his observations that that is not a correct designation, and that he refers to the class of labourers properly so called. There can be no doubt that in some respects, and in the essential respect of the amount of wages, the condition of the Irish labourers has improved within the time of most of your Lordships; but this is really a question of their dwellings, and in that respect there can be no doubt that the picture drawn by my noble Friend is not in the least overcharged. The dwellings of the Irish labourers are too often intolerably bad. My noble Friend implied, I think, that the remedy for this state of things in future rested partly with the landlords, and so, no doubt, in part it does. But my belief is that it must in the main remain with the tenant farmers of Ireland. The labourer's house in connection with a farm is recognized more and more, I think, in this country, and I hope will be recognized in Ireland, as being quite as essential to a well-ordered farm and a good agricultural system as the farmer's own house, or any other building connected with the farm; and, as in the case of other permanent improvements, so called by a great misnomer in Ireland—meaning thereby the essential requisites of the farm—and in the case of other essentials of the farm it is to the tenant in the main, and speaking broadly, that we should have to look in the future as we have in the past. I, therefore, do not agree with my noble Friend if he means to imply that the legislation which Parliament has now undertaken has no bearing on the condition of Irish labourers. I believe that legislation, although dealing directly only with the Irish tenants, has a very important bearing upon the condition of the Irish labourers. As an illustration of that, I might remind my noble Friend that in that part of Ireland with which he is most immediately connected, the Province of Ulster, it is well known that labourers are better housed than they are in the rest of Ireland. Their dwellings may not be all that we should wish; but of that fact there is no doubt. Why is this? Simply because the Ulster tenant farmers are better off than they are in the rest of Ireland; they possess greater security in their holdings to invest capital and labour in the construction of labourers' houses, and other buildings connected with their farms. That is an example to show that if we can in any way raise the condition of Irish tenants, and induce them to invest their capital and labour upon their farms with a greater sense of security, we shall make a great step towards improving the condition of the dwellings of their labourers. I do not mean to imply that nothing else but that indirect process is possible towards the end in view, although I think that means is one of the most hopeful that I have yet heard of. But, to give a direct answer to my noble Friend's Question, I may remind him of what has passed within the last few weeks in the other House of Parliament, which will show that the Government is not indifferent to the subject. Within the last few weeks a discussion of some length and importance upon this very subject took place in the other House, and at the close of the discussion Her Majesty's Government accepted a Resolution in the following words:—

> "That, in the opinion of this House, it is expedient and necessary that measures should be taken to improve the condition of the agricultural labourers in Ireland."

That, I think, will show my noble Friend that Her Majesty's Government are quite sensible of the importance of the subject. I am bound to add that certain words which were contained in the original Resolution, as moved by a Member of the House, were left out, and were not adopted by the Government—namely, "during the present Session of Parliament;" but that qualification, I think, my noble Friend and your Lordships will not think an unreasonable one, the Government feeling that they are not able to give a pledge of that kind in the present Session.

EARL FORTESCUE said, the noble Lord had alluded to the prosperity of Ulster, and given a reason for that prosperity; but, in his (Earl Fortescue's) opinion, tenant right was far more a result than a cause of that prosperity. It arose from the fact that the inhabitants of Ulster were more industrious, much more enlightened, and much less behind the civilization of the rest of Europe than the mass of the Irish peasantry were, and, being more industrious, they carried on manufactures, which were at the time chiefly domestic manufactures. Part of the prosperity was shown in the improved farm buildings, and part in the somewhat improved dwellings built for the labourers. One of the first things they had to do was to inspire the Irish farmer, who was shamefully indifferent to their well-being, with a sense of his responsibility to provide proper dwellings for his labourers. He (Earl Fortescue) had found himself obliged to build cottages for the labourers on his estate. He denied that all the proposals for the improvement of the condition of the peasantry of Ireland emanated from the present Government. A remarkable instance of this occurred in the Land Act of 1870. There was a clause in that Act—not a clause in the Bill as originally—but a clause which was introduced subsequently to enable landlords, without having to pay compensation for disturbance, to take land for the purpose of erecting cottages to the extent of not more than a quarter of an acre for each cottage. Another wise and reasonable clause was introduced into the Land Act of 1870, not by the then Government, but by the House itself, allowing similar quantities of land on the same conditions to be taken for allotments for the benefit of the labourers. He was glad to hear that the question of the decent and wholesome lodging of his fellow-countrymen, which had for many years engaged his attention and sympathy, was not to be neglected by Her Majesty's Government. But he thought it was much to be regretted that they had not at once, on the first introduction of their Bill, taken into consideration the health and comfort of the agricultural labourers of Ireland—a body quite as numerous as the Irish tenant farmers, for whose sake the Government had been ready to unsay so much of what they had previously said, and to make proposals so startling to political economists and to those who had been accustomed to the former course of legislation generally. He did not believe that the Irish agricultural labourers had been like those tenant farmers long engaged in resistance, open or covert, to the fulfilment of their engagements. He did not hear of their refusing the high rents exacted from them by their employers for their dwellings; and, on the whole, he believed that the melancholy state of Ireland was far more to be attributed to the tenant farmers than to the agricultural labourers of Ireland.

The Earl of BELMORE remarked, that that question was surrounded with practical difficulties. One was that if you attempted to deal with the subject by legislation, you would excite the opposition of the present occupiers, who might object to having land taken from them for the purposes of cottage-building. Another difficulty was the expense of building houses in Ireland. It had been said that the labourers had better houses in Ulster than in other parts of Ireland. But the labourers' dwellings in Ulster were often very wretched, and what, then, must be their condition in other parts of the country? It was impossible for anyone to build a cottage for much under £100, for a cottage in Ireland cost just as much, and sometimes more, than building a cottage in England did. They could not expect a labourer to pay a greater rent than 1*s.* per week, because the average wages of an Irish labourer was 8*s.* or 9*s.*, and therefore it could not be expected that a labourer could pay more rent than 1*s.* a-week. That was only about 2 per cent interest on the capital expended in building the cottage, and was a great difficulty in the way of building cottages such as the Board of Works would require.

Lord WAVENEY stated that after the reply received he should reserve to himself the right to bring forward a Bill on the subject should it appear expedient.

House adjourned at a quarter before Seven o'clock, to Thursday next, Eleven o'clock.

HOUSE OF COMMONS,

Tuesday, 14th June, 1881.

MINUTES.]—Select Committee—Customs (Outdoor Officers at the Outports), Mr. James Stewart *added.*

Ways and Means—*considered in Committee*—£1,023,327, Consolidated Fund.

Public Bills—*Ordered—First Reading*—Suspension of Evictions (Ireland) * [188].

Second Reading—Commons Regulation (Shenfield) Provisional Order * [183].

Select Committee—Erne Lough and River * [171], *nominated.*

Report—Coroners (Ireland) [No. 281]

Committee—Land Law (Ireland) [135]—R.P.

Report—Elementary Education Provisional Order Confirmation (Clay Lane) * [181]; Local Government Provisional Orders (Askern, &c.) * [152].

Considered as amended — Third Reading—Post Office (Land) * [150], and *passed.*

Third Reading—Local Government Provisional Orders (Horfield, &c.) * [166], and *passed.*

Withdrawn — Entail (Scotland) * [84]; Contagious Diseases Acts Repeal * [7]; Volunteer Corps (Ireland) * [12].

The House met at Two of the clock.

QUESTIONS.

PRISONS (ENGLAND) ACT, 1877—PRISON LABOUR.

MR. THOROLD ROGERS asked the Secretary of State for the Home Department, Whether the alarm and discontent felt by matmakers and others, who believe that they are subject to the competition of produce obtained by prison labour, would not be in great part if not entirely obviated if the governors of prisons were directed to dispose of such produce to the various Departments of Government only, and for Government use, and were restrained from disposing of such produce in the open market?

SIR WILLIAM HARCOURT, in reply, said, he had communicated with the Prison Commissioners on this subject, and they stated that it was their desire that the production of prison labour should be, so far as possible, disposed of to the Public Departments, but that it was not possible that that should be done exclusively. He felt sure his hon. Friend, who was a distinguished political economist, would recognize the fact that it was a very important matter that prisoners should be employed in industrial occupation, and that the best price should be obtained for the produce of their labour in order to lighten the public expense. Keeping these points in view, the Commissioners would act in reference to this matter in such a way as to disturb the labour market as little as possible. At the same time, it must be remembered that if these 14,000 prisoners, or thereabouts, were honest men at large, they would be more formidable competitors in the market than they were at present.

ARMY—COMPULSORY RETIREMENT OF COLONELS.

SIR ALEXANDER GORDON asked the Secretary of State for War, What compensation he proposes to make to those officers who, relying on the assurances given by Lord Cardwell and other members of Government in 1871, that their position, pecuniary or otherwise, would not be affected by the changes then made, have sunk the regulation price of their lieutenant colonel's commission (£4,500), and have remained in the Army with the prospect of future employment, but who will, according to the new regulation, be compelled to retire under the fifty-eight years of age rule, or under the five years' non-employment rule?

MR. CHILDERS: When my hon. and gallant Friend reads the second Memorandum, he will find that the rule as to the compulsory retirement of colonels at 58 has been relaxed. Colonels who were lieutenant colonels before October 1, 1877, when retired after the 1st of July, will be allowed special rates of pension having regard to such prospects of succeeding to the honorary colonelcy of a regiment as may be affected by the change. Provision for this will be made in the new Warrant.

POST OFFICE—TELEGRAPH WIRES (METROPOLIS).

SIR HENRY TYLER asked the First Lord of the Treasury, If he will be good enough to state to the House whether the Postmaster General is responsible for the safety of the public as regards the dangers of the fracture of the telegraph wires suspended over the Metropolis and maintained by his Department; and, to what Department of the Government the public may look for interference in the case of proved and palpable risk incurred in consequence of wires not maintained by the Post Office Department, but suspended by other parties over the thoroughfares of the Metropolis?

MR. GLADSTONE: Sir, I understand with regard to the wires maintained by the Post Office that the Postmaster General is not legally responsible, but that he is responsible in the general sense in which all public servants are responsible. But I believe the true and substantial answer to the Question to be, that the local authorities are really the persons responsible in this matter. It is their duty to look after arrangements of this kind, bearing upon the safety of the inhabitants and the traffic of the streets; and to them it is, I think, that there should be any communication if difficulty is supposed to be likely to arise.

SIR HENRY TYLER asked the Postmaster General, If he will be so good as to inform the House how many wires stretched over the thoroughfares of the Metropolis have been taken over and put up or are maintained by his department; whether it is proposed from time to time materially to increase the numbers of those wires; what precautions are taken to obviate risk from the fracture of those wires, and to prevent the recurrence of accidents such as have already occurred; and, whether it would not be possible to introduce a general system of placing the wires, properly insulated, underground, or in positions in which the present dangers would be obviated, especially in such a city as London, the atmosphere of which is liable to cause corrosion to the wires, and in which so very large a population is thus exposed to continually increasing dangers?

MR. FAWCETT: Sir, in reply to the hon. Member, I have to state that in 1877, within a radius of four miles from St. Martin's-le-Grand, there were 1,720 miles of overhouse wire, and 3,350 of underground. The House will at once see how anxious the Department is to substitute, as far as practicable, underground for overhouse wires when I mention that by March last the mileage of overhouse wires had been reduced from 1,720 to 500, and the mileage of underground had increased from 3,350 to 4,388. The wires of no important trunk lines are now carried by the Department over houses, and it is from these trunk lines, where a great number of wires have to be maintained, that the chief danger arises. Every care is taken by the frequent inspection of the poles and overhouse wires to prevent any accident.

BULGARIA (POLITICAL AFFAIRS).

MR. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the statement contained in the public journals that Prince Alexander of Battenburg has instituted courts martial throughout Bulgaria composed of officers, with power to execute, or otherwise punish, those Bulgarians who oppose his endeavour to subvert the Constitution; and whether, if so, Her Majesty's Government has conveyed to Prince Alexander its disapproval of this proceeding; and, whether it is true that M. Zancoff has been arrested for publishing a statement in which he asserts that Prince Alexander has violated the Constitution?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government have been informed that two Decrees were issued by the Prince of Bulgaria on the 7th instant, appointing special military tribunals with power to pronounce sentence of death, and also giving extraordinary powers to the Minister of the Interior to deal with offences of the Press. As, however, the Court of Cassation has since decided that the Turkish law on the Press is still in force, in so far as it is not contray to any existing Bulgarian law, General Ernroth has given up the powers granted to him by the latter Decree. Her Majesty's Government is in communication with the Bulgarian Government on the subject. Her Majesty's Government have received no confirmation of the report of M. Zancoff's arrest.

POST OFFICE SAVINGS BANK ACT—DEPOSITORS' ACCOUNTS.

MR. RODWELL asked the Postmaster General, If he will consider whether the rule of his office, which prohibits the giving information as to the state of depositors' accounts in the Post Office Savings Bank, might with propriety be relaxed in cases where such information is required for the purposes of justice?

MR. FAWCETT: In reply to the hon. Member, I have to state that the Post Office Savings Bank Act, 24 *Vict.* c. 14, s. 4, directs that the officers of the Postmaster General shall not disclose the name of any depositor nor the amount deposited or withdrawn, except to the Postmaster General or his officers. Where criminal or civil legal proceedings are pending in a Court of Justice, and an order or subpœna is served upon an officer of the Post Office for the production of papers relating to any particular account, it has been customary to produce such papers; but where no such proceedings are pending and inquiry is made of a tentative character to ascertain if a criminal charge should be preferred or a civil claim advanced, it is not usual to disclose particulars of the account of a depositor. I think it will be obvious that persons in a humble station of life who are depositors in a Post Office Savings Bank are entitled to the same protection with respect to the privacy of their banking account that depositors in any private bank are ordinarily recognized as being entitled to.

SUSPENSION OF EVICTIONS (IRELAND) BILL.

MAJOR NOLAN asked the honourable and learned Member for Bridport, If he will withdraw the block which prevents the introduction and printing of the Bill to suspend Evictions in Ireland for a limited period, on payment of six months' rent, which Bill has been prepared by and will, with the leave of the House, be brought in by the following Members:—Messrs. Martin, Healy, Dr. Kinnear, Henry, Sexton, Moore, Biggar, O'Shea, M'Coan, Errington, Daly, Richardson, Macfarlane, Litton, Finigan, O'Beirne, Whitworth, Blennerhassett, M'Carthy, Denis O'Conor, Findlater, Molloy, The O'Donoghue, Callan, Marum, The O'Gorman Mahon, Lalor, Synan, Lea, O'Donnell, Gabbett, Arthur O'Connor, O'Kelly, O'Shaughnessy, and Nolan?

MR. WARTON desired to know from the Speaker whether the Question could be put to him, as it did not refer to any Bill or Motion of which he had charge, or, if put, whether he was bound to answer it?

MR. SPEAKER: It is within the discretion of the hon. and learned Member to answer the Question or not as he pleases. The Question is quite in Order.

MR. WARTON said, that as the Speaker seemed to think he ought to answer the Question, he would be delighted, as a matter of courtesy, to do so. His objection to the Bill was that he did not think it desirable to have two Irish Land Bills before the House at one time, and since the Question was put down, he had been furnished with an additional reason for objection. If the Government Land Bill had only five names on the back of it, what must this Bill be with 25?

MR. MITCHELL HENRY asked whether it was not an abuse of the intention of the House in adopting the Half-past 12 o'clock Rule for any hon. Member to take upon himself to block a number of Bills so as to prevent their even being printed or read by the House; and whether that was not putting legislation into the hands of any particular Member who chose to make such use of the Rule?

MR. SPEAKER: The hon. Member puts a Question to me which is not strictly on the point of Order. If the House thinks that the practice adopted by the hon. and learned Member for Bridport (Mr. Warton) is one which involves great inconvenience, it is for the House to express its opinion.

STATE OF IRELAND—DISTURBANCES AT QUINLAN'S CASTLE, NEW PALLAS, COUNTY LIMERICK.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has seen a report in the "Cork Examiner" of June 6th of a conversation alleged to have taken place between Mr. Nash and Mr. Goddard, during the recent eviction expedition at New Pallas, in which Mr. Goddard stated that he had come there at the request of Mr. Forster; and, whether this statement of Mr. Goddard is well founded?

MR. W. E. FORSTER: Sir, I had not seen the report to which the hon. Member refers until this morning; but I may state that it is not true that Mr. Goddard went down to New Pallas at my request. I was aware of his going down, and—though I do not know that my opinion had much to do with it—I certainly did not disapprove of his going down. I am prepared to give my reason for that view if the House wishes it. In consequence of intimidation, none of the bailiffs of the district could be found to point out the houses where the evictions were to be carried into effect; and, in one or two cases previously, the police had been asked to supply that information. I had a strong opinion that it was not the business of the police to do that work; and I directed that no instructions ought to be given to them to that effect. On the other hand, it would, I think, have been most deplorable if intimidation had been successful in its object. The landlord in question informed me that he was about to take two bailiffs down to the district, who were prepared to face the dangers before them, and I thought he was quite right in doing so.

SOLOMON ISLANDS — MURDER OF BRITISH SUBJECTS — PUNISHMENT OF NATIVES.

Sir JOHN HAY asked the Secretary to the Admiralty, What steps Her Majesty's Government intend to adopt for the protection of the lives of British subjects engaged in lawful business or commerce in the Pacific Ocean; and, whether Her Majesty's Government will endeavour to cause to be punished the murderers of more than forty British subjects, who have unfortunately been slain since the 1st January 1880 in that sea whilst pursuing their lawful avocations?

Mr. GORST asked, whether it was not the fact that in many cases the murders of British subjects in the Pacific could be traced to outrages committed upon the islanders by White men?

Mr. TREVELYAN: Sir, the right hon. Baronet is, no doubt, aware that, though he selects the date of January 1, 1880, the state of matters in the part of the Pacific to which he refers is no new story. The Solomon Islands and the neighbouring groups where these outrages have occurred are independent of any civilized authority. When any of those horrible murders occur there is no jurisdiction which can legally try the murderers. Twice a savage who had been seized or given up as a murderer has been taken to Fiji and Sydney for trial, and on one occasion the authorities had nothing for it but to send him back untried to the island whence they took him, while in the other case they retained him in custody as a dangerous character. The only method by which these outrages can be checked or punished is by acts of war directed against the guilty villages, and Her Majesty's Government have carried out this species of retribution, the only one in their power at present, in a thorough and effective, but not, I think, an indiscriminate manner, as the right hon. Baronet will acknowledge when he sees the Papers relating to the cruise of the *Emerald*. A very great number of the murders cannot be traced to the causes which the hon. and learned Gentleman the Member for Chatham (Mr. Gorst) suggests. Her Majesty's Government found this state of things existing, and are not more responsible for its continuance than any of their Predecessors; but they are not content to let matters stay as they are. The Colonial Office and the Admiralty are in communication, and we have this great advantage, that we have on the Board of Admiralty an officer who probably knows this matter by practical experienee better than any man living, and we earnestly hope that, difficult as it is—very difficult as it is—some solution is in course of being found.

POST OFFICE—THE TELEGRAPH SERVICE (IRELAND)—MR. WILLIAM BELL.

Mr. BIGGAR asked the Postmaster General, If he is aware that Mr. William Bell, one of the principal clerks on the surveyor's staff in the North of Ireland, holds the position of agent to a guarantee and assurance association, and if such agency is consistent with his position and duties, and for the advantage of the department of which he is a servant, remembering that the Post Office affords facilities for insurance; is it with his sanction Mr. Bell holds such agency; did Mr. Bell acquire this agency at the time when the general bond guaranteeing the fidelity of telegraph clerks expired and was not renewed by the Government; and, have any abuses been brought under his notice arising from officials holding superior positions in the service?

Mr. FAWCETT, in reply, said, he found on inquiry that Mr. Bell had held the situation referred to for the last 13 years. Before he obtained the situation he got the permission of the Postmaster General of the day to fill it, and under these circumstances the hon. Member for Cavan (Mr. Biggar) would see it would be very hard upon Mr. Bell if he were called upon to resign. As indicated in the Question, he (Mr. Fawcett) thought it was undesirable that situations similar to this should be held by officials of the Post Office, and so far as he was concerned he should not give similar permission in the future.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [EIGHTH NIGHT.]

[*Progress 13th June.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.

ORDINARY CONDITIONS OF TENANCIES.

Clause 1 (Sale of tenancies).

SIR ROWLAND BLENNERHASSETT, in rising to move, in page 1, line 19, after the word "thereof," to insert—

> "(4) Where the tenant has agreed to sell his tenancy to some other person than the landlord, he shall give the prescribed notice to the landlord, setting forth the name of the purchaser, and the consideration agreed to be given for the tenancy;"

said, that his right hon. Friend the Prime Minister had asserted that the right of pre-emption which was given to the landlord by the Bill was the great safeguard for his interests, and the best means of preventing an extravagant consideration being given for the tenant right. That was undoubtedly so. As long as the landlord, even if he had no desire to use it, had the right, where the tenant was willing to sell at a fair price, of stepping in at any moment and buying up the interest of the latter, and in case of dispute of getting the price fixed by the Court, he could do much to minimize the inconvenience which many apprehended from a system even of regulated sale such as this Bill provided. But in order that he should have a full and fair opportunity of exercising his judgment as to whether he would purchase or not, he ought to be furnished with the name of the person to whom the tenant wished to sell his tenant right in the farm, and also the consideration which it was proposed to give for it. It was quite clear that the price which the landlord would have to give would enter largely into the calculation whether he chose to exercise his right of pre-emption or not; and so, again, with regard to the purchasing tenant. The landlord might be willing not to interfere if the person who presented himself as the future tenant was a man whom it was desirable to accept. On the other hand, he might be disposed to make a considerable sacrifice rather than accept as tenant a person with whom it might be agreeable to have business relations. The landlord had the right of appealing against the purchaser, and of objecting to him on the ground of insufficiency of means to carry on the business of the farm, and so forth. But the consideration given for the tenancy must be an important factor in determining the sufficiency of means to meet the liabilities of the tenancy. He failed to see how the landlord could come to any decision unless he was furnished with the name of the purchaser, and also with the amount of the consideration which was proposed to be given for the tenant right. He presumed that the only objection to the Amendment would be that to some extent the provision he proposed to insert was already contained in the Bill; but he did not see what harm could be done by inserting words which would make the intention of his right hon. Friend the Prime Minister perfectly clear.

Amendment proposed,

> In page 1, line 19, after the word "thereof," insert "(4) Where the tenant has agreed to sell his tenancy to some other person than the landlord, he shall give the prescribed notice to the landlord, setting forth the name of the purchaser, and the consideration agreed to be given for the tenancy."—(*Sir Rowland Blennerhassett.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: Under the Bill, as it stands, when the tenant decides upon disposing of his tenant right he is bound to convey to the landlord the name of the proposed incoming tenant, and the landlord, if he thinks fit, has the power of objecting to that proposed tenant. It may, however, be convenient that some form of notice should be given to the landlord; but that is a question of minute detail, and I apprehend that it would be within the power of the Court to lay down rules. Under these circumstances, I think it would be better to leave the matter to the Court.

MR. BRODRICK hoped the hon. Baronet (Sir Rowland Blennerhassett) would not withdraw the Amendment. He thought that the condition which the

Prime Minister had laid down would be most inconvenient in its operation. It was suggested that one of the most important and serious questions in the interest of the landlord should be left entirely to the Court; and the right hon. Gentleman refused to allow the Committee to assist him in defining what the rule should be. He declined to allow the matter to be set forth in the Bill; so that practically it would be possible at some future time, when the tenancy came to be sold, that there might be a question of doubt and of evidence what consideration had been offered to the outgoing tenant for the tenant right. He submitted that such an important question ought not to be left in any kind of doubt. A considerable item in deciding the reasonable nature of the bargain between the outgoing and the incoming tenant must be the amount to be paid for the tenant right, and the amount ought, therefore, to be clearly stated and made known to the landlord. Indeed, it should be a matter of public notoriety, capable of being referred to in a single moment. He sincerely hoped the Prime Minister would not force the hon. Baronet to withdraw the Amendment, but that he would allow this very reasonable point to be stated in the Bill. He thought some consideration ought to be paid to those landlords who had not hitherto had tenant right on their estates, and who had expended large sums in order to keep tenant right away. [*Derisive cheers*]. Hon. Members might laugh at this view of the matter; but he should like to know what would have been the position of the South of Ireland at this moment if the landlords had not foregone the rent, and given large sums of money, in addition, in order to assist tenants who had fallen into arrear in emigrating to America? If the Prime Minister declined to withdraw his opposition, he should certainly divide the House in favour of the Amendment.

Mr. BIGGAR said, there seemed to be an impression on the part of those who supported the Amendment that it would be entirely in favour of the landlords. He was of opinion that it would be quite as much in favour of the tenant as of the landlord. In consequence of the clause giving the right of pre-emption to the landlord, it was desirable that there should be some means of testing the value of the holding, and the best test was the price that was given for it from time to time. He believed if a registry were kept of the price and the amount of money which passed from one tenant to another on every change of tenancy, a standard would be arrived at by which the real value of the holding could be got at. He therefore did not think the Amendment moved by the hon. Baronet the Member for Kerry (Sir Rowland Blennerhassett) was at all an unreasonable Amendment. Perhaps, as had been pointed out by the Prime Minister, the first part of the Amendment was unnecessary, because it was elsewhere provided that notice of the intention to dispose of the tenancy should be given to the landlord; but it was most desirable for all persons concerned that the price should be stated.

Mr. PLUNKET said he wished to put a question. As he understood the answer of the Prime Minister, the landlord, as a matter of course, would be made aware of who the purchaser was by receiving notice from the tenant, and that it was a matter that would obviously be regulated by rules which would be afterwards prescribed. But the Amendment went still further, and spoke of the "consideration to be given for the tenancy." Now, that seemed to him to be a very important point, and one which it by no means necessarily followed would be laid down by the authority of the Commission. The importance of it was this. As he understood, the check which the Government proposed was to secure that where more than the difference between a fair rent and a low rent was offered the landlord should himself have power to purchase or to serve notice of his intention to raise the rent. For that object it was extremely important that the landlord should know what sort of price was going to be given for the right of the tenant. The Government admitted that some provision should be made by which the landlord should be made acquainted with the name of the purchaser and the price to be paid, and under those circumstances he did not see why they should object to the introduction of the words "the consideration agreed to be given for the tenancy." He wished to know if they did approve of these words or not? If they did, he failed to see why, according to the scheme of the Government measure, they should object to insert them in the clause. The Prime

Minister had very fairly admitted that they could do no harm, and the matter was of such very great importance that it was a most desirable thing this direction should be given.

MAJOR O'BEIRNE thought the name of the purchaser and the price to be paid should be given to the landlord with a clear statement of the amount that was to be paid for tenant right; but he believed it would answer every purpose to leave the matter in the hands of the clerks of the peace.

MR. CHAPLIN hoped that the right hon. Gentleman the First Lord of the Treasury would re-consider his decision. He understood the right hon. Gentleman to say that this additional sub-section was unnecessary, because it was already in the power of the Court to assign the reasonableness of the landlord's refusal to accept a particular tenant, and that the Amendment would confer upon the landlord additional powers as against the tenant. Now, that was not exactly the question raised by his hon. Friend the Member for Kerry (Sir Rowland Blennerhassett). His hon. Friend did not wish that this should be a question on which the Court should be able to exercise any discretion whatever, and he (Mr. Chaplin) fully concurred with his hon. Friend. A certain sum of money was to be paid for the tenant right, and that sum of money ought to be named and known so as to settle the matter for future years. If his hon Friend pressed the Amendment to a division he would certainly support him.

MR. GLADSTONE: I am quite prepared to give full consideration to the point raised by the Amendment of my hon. Friend. The question raised by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) is a very fair one. The Government have not the slightest objection to require that the landlord should be informed of the price; but what we want to avoid is the formality of a second notice, which means a second interval of time. I would suggest that the same object would be effectually attained by altering the Amendment, and allowing the words to run thus—

> "Where the tenant has agreed to sell his tenancy to some other person than the landlord, he shall, upon informing the landlord of the name of the purchaser, state therewith the consideration agreed to be given for the tenancy."

That, I believe, would meet the point raised by my hon. Friend.

MR. NEWDEGATE wished to point out another matter. In the case of the value of improvements under the Agricultural Holdings Act, the greatest difficulty had been experienced in ascertaining the validity of the awards, although in that case the consideration was for actual expenditure which was capable of proof. In the case of the tenant right which the House was now about to create there would be no possibility of proof as to the value which the Court would ascertain and be guided by. The whole transaction might be fictitious, and unless the specific consideration and amount of money were stated the Court would have no possible means of ascertaining whether the statement of value was fictitious or not. He hoped, therefore, that the Committee would proceed upon the principle of the Amendment, and afford the Court some means of testing the justice of these claims for tenant right.

THE CHAIRMAN: Does the hon. Member for Kerry propose to withdraw the Amendment?

SIR ROWLAND BLENNERHASSETT: Yes, Sir.

MR. HEALY was afraid that the Government scarcely knew what they were about to do. If the Amendment applied simply to Ulster, he should have no objection to it at all; but, as it applied also to other parts of Ireland, he would point out what it would do. The Government were of opinion that the price of the purchase would always be a matter of cash, and might easily be stated in the notice to the landlord. But it might be half-a-dozen cows, or six cows and a churn, or six cows and a firkin. In another case a man married off his daughter, and he sought to assign a part of his holding to his son-in-law. How were these considerations to be stated in the notice? The Amendment might be readily carried out in Ulster; but, in regard to other parts of Ireland, it would be a very serious matter. He would therefore advise Her Majesty's Government to confine the Amendment to the Province of Ulster. In the South of Ireland the operation of the Amendment would be found most inconvenient and objectionable, and it would certainly not be accepted without a strong protest.

MAJOR O'BEIRNE believed that the hon. Member for Wexford (Mr. Healy) was altogether mistaken in supposing that the Amendment would be difficult to work in any part of Ireland.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In line 19, to insert "Where the tenant has agreed to sell his tenancy to some other person than the landlord he shall, upon informing the landlord of the name of the purchaser, state therewith the consideration agreed to be given for the tenancy."—(*Mr Gladstone.*)

Question proposed, "That those words be there inserted."

MR. HEALY moved to amend the Amendment by inserting the words "where the Ulster Custom prevails."

Amendment proposed, to insert at the commencement of the proposed Amendment, "Where the Ulster Custom prevails and."—(*Mr. Healy.*)

Question proposed, "That those words be there inserted in the proposed Amendment."

MR. O'SHAUGHNESSY believed that the Amendment would be rather beneficial to the tenant than otherwise. Suppose that the tenant got a good price for his assignment. He got by the Amendment now proposed an opportunity of putting that fact upon record, and when he had once placed it on record that the tenant had got a good price for his interest in the holding, the new tenant would certainly have an equity against the landlord in regard to any undue increase of rent at a future time. With regard to the objection raised to the Amendment by the hon. Member for Wexford (Mr. Healy), he did not think there was very much force in it. He (Mr. O'Shaughnessy) had seen a great many assignments of tenancies in one shape or another; but he never saw an assignment, even of the smallest tenancy, in which the condition was cattle, or anything of the kind. He had seen assignments in cases of marriage, but an assignment in such a case was for a very important consideration. Besides, he thought the landlord was entitled to know what was being given for the tenancy that was to be assigned. Unless he knew the price, how was he to know that the negotiation was a fair one? It was also to the advantage of the tenant in this way, that the tenant would be able to state to the landlord what the maximum price of the property was, and it would be a fair test of the value of the land.

MR. LITTON appealed to the hon. Member for Wexford (Mr. Healy) not to press his Amendment.

MR. HEALY said, he had no objection to withdraw it.

Amendment (*Mr. Healy*), by leave, *withdrawn.*

Original Question again proposed.

MR. WARTON remarked, he had given Notice of an Amendment which appeared a few lines lower down on the Paper, to leave out "other person than the landlord," and insert "a proposed incoming tenant." He was afraid that if he did not move that Amendment now it would be too late to move it further on. He was anxious not to have the words "some other person than the landlord" standing either in the Amendment or in the Bill. He wished to make the Bill clear and explicit, and to guard against any possible danger hereafter. It was gratuitously assumed that when the tenant right was sold it would always be to the incoming tenant; and the Premier had himself used the expressions "the incoming man" and "the incoming tenant." The landlord also would have the right of pre-emption; but in adopting the words of the clause as they now stood, there might be the danger of creating a new interest altogether. The words were dangerously vague, and might let in some other person than the incoming tenant or the landlord—some third person—for instance, the usurer, who might have advanced the money for the purchase of the tenant right. He was anxious that nothing vague should be left for the decision of the Court; and they must not assume, because they all had in their minds that the person who bought must be the incoming tenant, that that would necessarily be the case. Ten years ago, when the Act of 1870 was passed, it was thought that no property or interest was given to the tenant; but so many unexpected results had followed the passing of that Act—results which at the time had been declared impossible—that in the present case he wanted to guard against some such construction as this being put on the words of the clause by the Judge of the Court. "I find here the words 'some other person than the landlord,' and that means all creation except the landlord." That was a real danger that might arise, and he appealed to the Committee whether the words as they stood would not include some other person than the landlord, who was also a person other than the incoming tenant—some sharp usurer, who might purchase the property and interest given to the tenant, and who might bring his action and insist upon the Court putting him in the position of the buyer of the tenant right. He begged to move the Amendment which stood in his name on the Paper.

Amendment proposed,

In page 1, line 20, leave out "other person than the landlord," and insert "a proposed incoming tenant."—(*Mr. Warton.*)

Amendment *negatived.*

Question put, and *negatived.*

Original Amendment again proposed.

MR. LEAMY was much surprised at the Government assenting to this Amendment. The clause enabled the landlord, on the receipt of such notice, to purchase the tenancy; but supposing that the landlord, on receiving the notice, did not take any steps to purchase the tenancy at all, then the tenant, having given the notice, and finding that the landlord had no desire to purchase, would look out for another purchaser, and he would be obliged to inform the landlord who that purchaser was, and what he proposed to give. He thought that that would be imposing too great an obligation upon the tenant. It was quite sufficient that the tenant should give notice to the landlord of his intention to sell. The landlord might then come in and purchase, and if the landlord declined, why should not the tenant go into the open market? What was the position in which the landlord would be, if, having given notice to the landlord of his intention to sell, and the landlord not having given notice of his intention to exercise the right of preemption and purchase himself, the tenant should then put the matter in the hands of an auctioneer, and ask him to sell his interest in the tenancy? It would not be until the day of the auction that the tenant would know who the purchaser was; and unless the landlord had given notice that he would not accept a particular purchaser, then he (Mr. Leamy) submitted that the tenant was entitled to sell to any person who made a bid at the auction. Under such circumstances it would be impossible for the tenant to give previous notice to the landlord of the name of the purchaser.

THE O'DONOGHUE thought that before the Government assented to the Amendment of the hon. Baronet (Sir Rowland Blennerhassett), it ought to be made clear that it would not deprive the tenant of his right to sell in the open market by auction. As he understood it, the landlord, in addition to the power of exercising the right of pre-emption, would by this Amendment be able to deprive the tenant of the right of selling by auction.

MR. SHAW thought it would be preferable that the Committee should have some Notice of this Amendment, so that they might be able to understand its full effect. He had no objection to the Amendment, and, as a matter of course, he thought that the landlord, in one way or another, must know the price offered for the tenant's interest. He did not understand that this sub-section in any way interfered with the bargain. The bargain would be an accomplished fact. The purchaser's name would be sent to the landlord, and with it the terms of the purchase. But his objection was that it would create a feeling of jealousy in the minds of the tenants. Irish tenants, as a rule, were very suspicious, and they did not like to expose their affairs to the landlords. Indeed, they had an objection against it that seemed almost superstitious; and if the Committee were to pass such a clause as this they might really raise obstacles against the amicable settlement of these matters. He believed that in the North of Ireland a provision of this nature would be more objectionable even than in the South. The Northerners were a very sturdy race, and they would not like to be required to write and tell the landlord what was really their own business. He might say, as a matter of fact, that on some of the best managed estates in those parts of Ireland where tenant right was admitted the agent made it a point to ask no question at all as to the price that was given. Indeed, he knew very well that he would not be told the truth if he did inquire, and he knew, further, that he would only be interfering with what was really no business of his. All that the agent had to do was to satisfy himself that the incoming man was a good man.

Sir GEORGE CAMPBELL said, he was of opinion that the Amendment should be a separate sub-section, or tacked on to sub-section 3. If that were done a great deal of difficulty would be obviated.

Sir JOSEPH M'KENNA hoped the matter would be allowed to stand as it was. He saw no objection to the Amendment so long as nothing but fair dealing was intended. He did not think that the tenant should be required to notify to the landlord all the circumstances which had passed between himself and the intended purchaser; but he saw no objection to his being required to give the name of the purchaser and the price. If a tenant sold his interest to another person, the landlord was the only person immediately concerned, and ought to know not only who the incoming tenant was, but what the consideration given for the tenant right was. He failed to see what objection there could be if the information given were truthful and fair; but he could understand that there might be very serious objection if a false statement was intended to be subsequently made as to the price which was really paid.

Mr. BIGGAR said, he had not changed his opinion in regard to the Amendment; but, at the same time, he believed there were a good many of his hon. Friends who had not spoken who were much opposed to it, and who were decidedly of opinion that it would have a very mischievous effect. He would, therefore, suggest that, as there was no Notice of the Amendment upon the Paper, it should not be pressed now, but that Notice should be given of it, and that it should be brought up on the Report, when it could be fully discussed. If he understood the question rightly, he gathered that one object of the Amendment was to prevent the landlord from raising the rent by charging 10 years' increase upon the purchase. If the landlord found the price at which the holding was being sold was very large, he might raise the rent and get 10 years' purchase, and the unfortunate purchaser would find his interest very injuriously affected. Under all the circumstances, seeing that no Notice whatever had been given of the Amendment, and that hon. Members who represented Irish constituencies had not had an opportunity of considering it, he thought it desirable that it should not be pressed at the present moment.

Mr. GLADSTONE: The question has not been altogether raised without Notice; but the Amendment as it stood was accompanied by something which we thought objectionable—namely, a provision forcing upon the tenant the necessity of giving a second notice of a formal character. That objection has been got rid of by amending the Amendment, and the proposal contained in the Amendment is that the landlord should be made acquainted with the nature and effect of the consideration to be given. We are of opinion that in principle such a provision is only fair. You cannot deny the right of the landlord to be a party to the transaction and to be entitled to know what it is that the tenant is about to receive. There is also another thing which will require further consideration. It would never do for the landlord to have his right of pre-emption suspended until the tenant has made his bargain, and then for the landlord to come in and say, "I will exercise my right of pre-emption." My right hon. and learned Friend the Attorney General for Ireland will fully consider this matter, and see whether it cannot be met by the introduction of some specification in another part of the Bill.

Mr. LEAMY said, the right hon. Gentleman the Prime Minister objected to two notices; but did the right hon. Gentleman think that the one notice to the landlord of an intention to sell a tenancy would be quite sufficient? The tenant might form an intention of selling a tenancy before he found a purchaser, and before he could have agreed upon the price. Therefore, if he was to give notice of his intention to sell, he would be bound to give a second notice when he found a purchaser.

Amendment *agreed to.*

The CHAIRMAN: The next Amendment, which stands in the name of the hon. Member for West Surrey (Mr. Brodrick), is governed by that which has just been disposed of. I must, therefore, call upon the hon. Member for Lisburn (Sir Richard Wallace).

Sir RICHARD WALLACE moved, in page 1, line 19, after "thereof" to add—

> "And in case it may appear to the landlord desirable that the holding about to be sold should be amalgamated with an adjoining one, he may by authority in writing delegate to the tenant of such adjoining holding his right of pre-emption, who may purchase the tenancy in like manner as is herein prescribed for the landlord."

The hon. Baronet explained that the object of the Amendment was to enable an adjoining tenant to exercise the landlord's rights of pre-emption and purchase the holding. A custom of consolidating small holdings by enabling the adjoining tenant to purchase existed on many large estates in the North of Ireland. There were a very large number of tenants whose holdings were not of a greater value that £5 a-year, and there were 450 whose holdings were only valued from between £10 and £15, and this custom of consolidating the small holdings had been found very beneficial to the hard working and thrifty tenant. It was of very great advantage to a small holding where the same amount of stock which had worked a small farm would be found sufficient to work the enlarged holding. And not only was this the case with regard to stock, but in many cases no additional ploughs or farming implements would be required. There was another point which told usefully in favour of this amalgamation. A tenant of a consolidated farm was often able to reclaim a quantity of land now entirely wasted in forming a boundary between two farms, which was of no service to the crops and might be removed with advantage. This was not at all a landlord's question, because the landlord would derive no benefit from it. He would only have the advantage of possessing a more thrifty, a more hard working, and a more industrious tenant, and it was only in the case of the adjoining tenant wishing to buy that the privilege would be granted. In the event of the adjoining tenant not wishing to buy the land, the usual custom of free sale would be carried out. He, therefore, begged to move the Amendment which stood in his name, and he trusted that it would receive favourable consideration at the hands of his right hon. Friend the Prime Minister.

Amendment proposed,

> In page 1, line 19, after "thereof," to add the words "and in case it may appear to the landlord desirable that the holding about to be sold should be amalgamated with an adjoining one, he may by authority in writing delegate to the tenant of such adjoining holding his right of pre-emption, who may purchase the tenancy in like manner as is herein prescribed for the landlord."—(*Sir Richard Wallace.*)

Question proposed, "That those words be there added."

The ATTORNEY GENERAL for IRELAND (Mr. Law) hoped the hon. Baronet would not press the Amendment, because the object which he had in view was sufficiently provided for so far as it was desirable by the Bill as it stood. One of the hon. Baronet's objects was to facilitate the enlargement or amalgamation of holdings. But if the hon. Baronet would look at the evidence given before the Bessborough Commission, he would find that Judge Flanagan and other witnesses stated that under the system of free sale the consolidation of holdings had increased much more in the Province of Ulster than in any other part of Ireland. There was also this advantage in leaving the matter to be worked out by perfect freedom of sale—that the process of consolidation would thus go on in a natural way and without causing any irritation. If, however, his hon. Friend was not satisfied to trust to that natural process by which consolidation, where desirable, would be effected, if he wished to promote it by the direct action of the landlord, then the Pre-emption Clause would enable the landlord to purchase the tenancy for the purpose of either occupying it himself or of adding it to any other holding. It was altogether undesirable that the landlord, by the delegation of his authority, should transfer this right of pre-emption to anybody else. If he wished to exercise the right he ought to exercise it by himself, and not by deputy; and if an adjoining tenant wanted to buy the holding next to his own, let him purchase it in the ordinary way.

Mr. CHAPLIN expressed a hope that, as in the case of the last Amendment, the Government might be persuaded to re-consider their decision. The effect of this Amendment would be, at all events, to consolidate judiciously some of the worst holdings in Ireland. He apprehended there could scarcely be a difference of opinion on the other side of the House as to the desirability of this object. The right hon. and learned Gentleman the Attorney General for Ireland said the Bill would accomplish that object so far as it was desirable. Now, he (Mr. Chaplin) did not quite understand what the right hon. and learned Gentleman meant by the words "so far as it is desirable." The right hon. and learned Gentleman referred to the natural process by which one tenant could buy out another, and said that in Ulster, where the system of free sale was carried out to a greater extent than in any other part of Ireland, the process had been beneficially exercised. But the Amendment did nothing to interfere with that natural process. What it did was to facilitate it; and it was limited solely to those cases where one small farm adjoined another. That was all that the Amendment did. The right hon. and learned Gentleman asked —"Why cannot the landlord do it himself?" The landlord could not do it for a reason that he thought would have been obvious. Where was he always to find the money and the capital for exercising this right of pre-emption? Therefore, it was desirable, where the tenant was anxious to effect this consolidation, that the landlord should be able to delegate his right of pre-emption to the tenant. He could not conceive anything more hostile to the interests which the Government desired to serve in Ireland than to refuse an Amendment of this nature. There appeared to him to be not a single objection to it, and he trusted that upon re-consideration the Government would accept it.

Mr. GLADSTONE: I do not think there is the least likelihood of the Government receding from their objection to the Amendment. On the contrary, we hope to win over my hon. Friend the Member for Lisburn (Sir Richard Wallace) to our view of the case, and to convince him of its reasonableness. I will take the case of tenant A going out and of tenant B holding a farm next to it and desiring to have the holding joined to his own. The landlord is also desirous that the amalgamation shall take place. Either the parties are willing or they are unwilling; and if both are willing, under the Amendment, as under the Bill, the transaction will go on. But this Amendment partakes of the nature of compulsion, and gives the power of referring to the public authority. As I have said, if A and B are willing, then, under the Amendment proposed by my hon. Friend, just as much as under the Bill, the transaction will go on. The only case in which this Amendment would be material is where tenant B is unwilling. It may be that there are good reasons why the amalgamation should take place; but our point is that if tenant B is unwilling, it is far better that he should be dealt with by the landlord through the right of pre-emption, which is given under the Bill, than that the landlord should have the power of delegating to tenant A the right of purchasing. Where the process partakes of compulsion it is far better that it should be in the hands of the landlord than of the tenant. That is our point, and I hope my hon. Friend will see the propriety of acceding to it.

Mr. MACARTNEY said, that upon well-managed properties it was the custom to give the preference of purchase to a tenant on the adjoining farm; and if he would not buy, then the holding went into the open market. That rule would be abolished by the Bill. He hoped the Government would accept the Amendment, which was quite consistent with the practice in the North of Ireland.

Mr. CHARLES RUSSELL trusted the Government would not adopt the Amendment, which would give a preemptive right to the adjoining tenant.

Mr. J. N. RICHARDSON said, he was very reluctant to oppose the Amendment brought forward by the hon. Baronet, who, he was quite sure, would not make any proposal that was not a fair one. But he could not agree in the desirability of the Amendment, and expressed a hope that Her Majesty's Government would not give way. He was perfectly aware that in former years there was a feeling on the part of the Irish tenantry in favour of an arrangement of the kind proposed, and he believed he was right in saying that they actually wished their landlords to make an Office rule giving them a pre-emptive right. But that was in times before the American competition and the present agricultural depression, when the idea in the mind of the Ulster farmer was that he would be the man to remain on the land, and that when his neighbour went away he should be able to get his farm cheaper than if it went into the open market. But since emigration had set in all that was changed, and the feeling was now that the man himself would have to go, and hence the desire not to be prevented getting as much as possible for his holding. He did not object to the right of pre-emption on the part of the landlord; but to extend it to another person would, in his opinion, be an injustice to the tenant.

Sir JOSEPH M'KENNA hoped the Government would not accede to the Amendment, which, it seemed to him, would have an opposite effect to that intended by the hon. Baronet who moved it. In his opinion, the preservation to the landlord of the right of pre-emption was just, inasmuch as it secured to him his just position with respect to the estate; but he altogether objected to the landlord's right being delegated to a third person. That would be, he thought, to open the door to plotting and contriving, in the case of transfers, to restrict the tenant's market. He was quite certain that was not the object of the hon. Baronet, who, he thought, would protect the right of the landlord better by not allowing him to delegate his pre-emptive right than by any other means.

Mr. CHAPLIN said, he was at first attracted by the reasons given by the Prime Minister for not accepting this Amendment; but he now saw that the argument of the right hon. Gentleman involved a fallacy. There could not be any compulsory pre-emption on the part of the landlord unless at the option of the tenant who wished to sell. It was quite open to the tenant to go into Court and get under statutory conditions. No reason had, therefore, been advanced against the Amendment, and he hoped it would be agreed to.

Viscount FOLKESTONE said, the Prime Minister had argued that it would be possible for the landlord to get rid of his right of pre-emption by purchase. But suppose the landlord could not buy the tenancy through want of funds, and that for the good of the estate it was necessary to add it to the adjoining tenancy. Why would it be unfair to anybody for the landlord to pass over his right of pre-emption to the tenant of the adjoining holding in order that the two farms might be amalgamated? He was quite unable to see any unfairness in that arrangement. The Committee had passed in this clause a section which enabled the landlord to exercise the right of pre-emption, and in exercising it he would buy at the true value; but if the landlord could not exercise that right for want of funds, and was, moreover, not able to delegate it to the tenant who wished to buy, it would result that the tenant who wished to purchase the tenancy that was to be given up and add it to his own would not be able to buy at the true value, but would be obliged to go into the market, where he would, no doubt, be run up and have to pay an exorbitant price, thereby subjecting himself to a heavy rack-rent.

Mr. MACFARLANE could not agree with the noble Lord who had just sat down. It seemed to him that if the landlord were too poor to exercise his pre-emptive right, it was perfectly open to him to arrange with the adjoining tenant who was a willing purchaser. He presumed the money would not be required on the spot, and that the matter could very easily be adjusted. There was nothing in the world to prevent a landlord arranging with one of his tenants to provide the necessary funds. In his opinion, the Amendment was both useless and mischievous.

Mr. BIGGAR said, nothing could be more mischievous than the Amendment of the hon. Baronet. He objected to the clause which gave pre-emption to the landlord altogether.

Sir RICHARD WALLACE said, he agreed that the principle of giving the right of pre-emption to the landlord ought not to be pushed to an improper degree. He had listened attentively to the arguments which had been used against his Amendment, but felt it his duty to put the Committee to the trouble of a division.

Question put.

The Committee *divided*:—Ayes 107; Noes 210: Majority 103.—(Div. List, No. 247.)

The CHAIRMAN: The next Amendment appears to me to be substantially the same as that which has been negatived by the Committee.

Lord GEORGE HAMILTON asked whether it would be competent for him to move a similar Amendment on another part of the Bill?

The CHAIRMAN said, it would be competent for the noble Lord to move such an Amendment at a later stage of the Bill, but not in Committee.

Amendment proposed, in page 1, line 20, leave out sub-section 4.—(*Mr. Lalor.*)

Amendment *negatived.*

On the Motion of Mr. Litton, Amendment made, in page 1, line 21, after "may," by inserting "within the prescribed period."

Mr. MARUM said, that as the hon. and learned Member for Dundalk (Mr. Charles Russell) had on the Paper an Amendment in similar terms to his own, he was willing to amalgamate the two and leave the matter in his hands. He objected to the bad character of a tenant being specified as a reasonable ground of refusal of a tenant on the part of the landlord, as also to the exception on the ground of previous failure as a farmer. Hon. Members acquainted with commercial affairs would know that many men who had been in former years unsuccessful had made their experience the means of success in after years.

Mr. CHARLES RUSSELL would not trouble the Committee by any general observations on the question of the right of sale of tenant, particularly as the experience of everyone practically acquainted with these matters would show him that in places where the sale of the tenant's interest was free from all restriction, not only were the landlord's and the tenant's relations the best, but the position of the tenants themselves was good. This benefit did not end with the tenant only, but, in proportion as the position of the tenant was improved, the security of the landlord was greater. He strongly urged on the Committee that as they had recognized the right to sell in the tenant, they should leave that right as free as possible, consistently with what was right and just to the landlord. He pointed out to the Committee that as they were reposing large powers in the Court, the best way of dealing with the question of the grounds upon which a landlord might refuse to accept a tenant would be not to specify the particular reasons contained in the section, some of which he regarded as objectionable, and then, as was the case in the section, add a general clause at the end to meet cases in which dispute arose, but to drop the particular reasons, and to let the clause run as follows:—

> "Where a tenant has sold to some other person than the landlord, the landlord may refuse, on reasonable grounds, to accept the purchaser as tenant; and, in case of dispute, the reasonableness of the landlord's refusal shall be decided by the Court."

As the section stood, the enumeration of specific grounds was not exhaustive, and would only have the effect of raising, as between a fair landlord and fair tenant, questions that otherwise might not get into the mind of either of them. Further, he submitted that the grounds mentioned were objectionable as they stood. The words "insufficiency of means, measured with respect to the liabilities of the tenancy," were of themselves, and without further particulars, perfectly vague, and would, therefore, be no guide to the Court. Then there was the reasonable refusal on the ground of bad character. Did this mean bad moral character, or that the landlord might reasonably object to a person professing objectionable views, or to one who was a member of a society or organization which was distasteful to him? This latter ground of objection would probably raise a number of unpleasant questions—sectarian amongst the rest. With regard to the next ground of objection—the failure of the purchaser already as a farmer—he asked, might not a case exist in which a man's previous failure had given him the very experience necessary for successful farming? But however much experience such a man had gained, the Bill, as it stood, would debar him from becoming a tenant again. Finally, there was the omnibus clause, which said "Any other reasonable and sufficient cause." As it appeared that in case of dispute the reasonableness of the landlord's refusal was to be decided by the Court, why should not the Court be allowed to decide the whole question of what constituted a sufficient reason for refusal? He begged to move the Amendment standing in his name.

Amendment proposed, in page 1, line 23, leave out from "the" to "cause" in page 2, line 3.—(*Mr. Charles Russell.*)

Mr. LITTON remarked, that the hon. and learned Member for Dundalk having exhausted the subject, he merely rose to say that he proposed to withdraw the

Amendment of a similar character standing in his name. At the same time, he took the opportunity of referring to a Petition which had been presented to the House by the hon. Member for the County of Londonderry (Sir Thomas M'Clure) which showed the interest and importance attaching to this matter in Ireland. The Petition to which he referred was signed by 420 Presbyterian ministers in Ulster, who strongly condemned the express indication of the grounds of objection on the part of a landlord to accept a purchaser. These specific statements appeared wholly unnecessary, inasmuch as in line 4 of page 2 it was provided that—

> "In case of any dispute the reasonableness of the landlord's refusal shall be decided by the Court."

Under those circumstances, he hoped the Government would see their way to accept the Amendment of his hon. and learned Friend.

SIR WALTER B. BARTTELOT said, he hoped the Prime Minister would agree to the Amendment before the Committee. Although the Court had power to decide in case of dispute, he ventured to point out that it would be guided by the previous sub-sections, which would in all cases rule the last part of the section. He felt certain that if the matter were left to the Court entirely the best decision would be arrived at.

MR. HENEAGE said, he thought there was no middle course between leaving out the section and putting in a great number of exceptions. Therefore, he hoped the Government would agree to the Amendment.

MR. E. STANHOPE said, he hoped the Government would not accept the Amendment. If the Committee would examine the particular reasons given in the clause they would see that they were in themselves perfectly just. He admitted they were open to amendment in the sense suggested by the hon. and learned Member for Dundalk; but they were undoubtedly just. On searching for precedents, he found that the practice in cases of this character was by no means uniform. There were, however, a number of cases in point where it had been the custom of Parliament not only to introduce general words, but also particular reasons. The 13th clause of the Land Act of 1870, which applied to restrictions with regard to compensation, gave two particular and one general case. This seemed to furnish a strong argument in favour of the clause as it stood. In his opinion, it was desirable that these particular cases should be mentioned in the clause because the landlord would thereby be saved a good deal of uncertainty; it furnished him with certain reasons on which he could safely refuse. On the other hand, their omission would place him in a position of great difficulty. Further, this would lead to very great uncertainty in the decisions of the Court. The result of all this would be that the landlord would never be sure that he was safe in refusing a purchaser, because he would know that the Court would have to decide, and that no advice was given by Parliament as to the grounds upon which its decision was to be founded.

MR. A. MOORE said, it would be a matter of extreme difficulty to draw out an exhaustive list of the reasons which would justify a landlord in refusing to accept a purchaser, and an imperfect list would do more harm than good. He hoped the Amendment would be accepted.

MR. PLUNKET said, he should give his support to the clause, which was based upon a passage in the Report of the Bessborough Commission, where it was stated that under the Ulster Custom the veto of the landlord upon certain specified grounds was universally recognized, those grounds being the insolvency of the proposed incoming tenant, or the fact of his being a bad farmer, or of his having failed in farming. As these cases were recognized under the Ulster Custom, it was not likely they would be of very rare occurrence.

MR. GLADSTONE: I rise to express the great satisfaction I have received from the discussion of the present Amendment, which has not been regarded from a Party point of view. The question has been argued by the hon. and learned Member for Dundalk (Mr. C. Russell) very fairly indeed, and the same spirit of fairness has been apparent throughout the speeches which followed that of the hon. and learned Gentleman. The right hon. and learned Gentleman who has just sat down is quite right in supposing that in the insertion of these words the Government had reference to the passage in the Report of the Bessborough Commission which he quoted. We have, however, to a certain extent, regarded this question as one to be settled *ambulando;* and I am bound to say that after hearing the arguments so fairly stated on both sides it is our opinion that we should do wisely to waive this specification. The hon. Member for Mid Lincolnshire (Mr. E. Stanhope) has stated his fear that the omission of the clause will give rise to cases of uncertainty and variation of judgment in the decisions of the Court. But, Sir, I think we can give a practicable answer to that objection, and it is that the question is not a new one. The Courts in Ulster have long been in the habit of considering what are "reasonable grounds," without any special guidance from Acts of Parliament, and no inconvenient variation of judgment has been produced. On the contrary, the standard seems well understood, and where that is the case it is probably better to avoid the risk of disturbing the practice by any attempts at definition. There is, I think, great force in the observation of the hon. and learned Member for Dundalk that if we enumerate at all we ought to enumerate exhaustively. But that certainly cannot be done. Upon the whole, I consider the balance of argument to be in favour of my hon. and learned Friend. I am bound, also, to say that the precedent taken from the Act of 1870, although it was ingeniously handled by the hon. Member for Mid Lincolnshire, is clearly in favour of this omission. It is clear that the opinion of Parliament, at the time when those words were inserted in the Act, was that the ground of establishing the reasonableness of a refusal had better be left to the Court.

Mr. GIBSON said, that nothing could be fairer than the way in which the Prime Minister had given his reasons for assenting to the view of the subject taken by the hon. and learned Member for Dundalk (Mr. C. Russell); but he must endeavour to state why he thought it would be desirable to retain the present drafting of the Bill. He had listened attentively to the Prime Minister, and, as far as he could judge, he simply rested his argument for the withdrawal of this sub-section of the Bill on the way this matter was worked in Ulster. But he must point out to the right hon. Gentleman that this clause did not at all apply to the Ulster tenant custom. That custom was well known and clearly ascertained—it was, so to speak, a going concern; and, therefore, it was entirely unnecessary to lay down any fresh rule with regard to it. What was the objection urged, or that could be urged, to the retention of this clause of the Bill as it stood? It came before the Committee accredited by authority; it followed almost word for word the Report of the Bessborough Commission; it had received the sanction, amongst others, of the hon. Member for Cork, and had been arrived at after hearing a great variety of evidence. Nor did it rest upon that authority alone. They knew that the specification in question as well as the other sections of the Bill, had been elaborately considered by Her Majesty's Government—considered and reconsidered, and if he might venture upon a criticism of the form of the Bill, he would say that it was enormously over-drafted. However that might be, there was no doubt that this particular sub-section was the result of a great deal of consideration. But, of course, he admitted that it was competent to the Government, on further re-consideration of the matter, to submit new proposals to the House with reference to it. The hon. and learned Member for Dundalk said, in dealing with these specifications, it was better not to touch the matter at all, if it could not be done exhaustively. But if that were the case the same argument would apply against any legislation by that House. It was not the intention of the sub-section that the landlord should be able to preclude a man from getting a farm because he had failed once as a farmer, or had once had a bad character. If a landlord put forward his objection and said—"I object to you, because you failed as a farmer 20 years ago," anyone would say his objection might be unreasonable. But, after all, the landlord was not left to judge of his own case, because the last lines of the sub-section said—"In case of dispute the reasonableness of the landlord's refusal shall be decided by the Court;" and, therefore, the sub-section contained within itself all the means of rendering it reasonable. Again, supposing the special grounds of objection were got rid of, would not the landowner be left largely without guidance, or rather absolutely without guidance? He contended that the landlord would be exposed to an amount of odium almost intolerable, and which he would certainly have to encounter if he were compelled, unaided by the Bill, to put forward the objections which the Committee were now asked to strike out from the sub-section. He admitted that the arguments in support of the Amendment had been urged by the Prime Minister and all who had spoken on this question with extreme moderation. But the question had hardly been looked at from the landlord's point of view. At present the landlord had the right of making other objections that were covered by the words "any other reasonable and sufficient cause," so that the Court was furnished with a particular as well as a general guide; but if the Amendment of the hon. and learned Member for Dundalk were accepted it would be without any guide whatever. It was clear, therefore, that the Amendment struck largely against the operation of the Court. On the whole, he thought it very important that the sub-section should be retained, both in the interest of the Court, who would be left entirely without guidance, and in the interest of the landlord, who would be practically exposed to great difficulties in putting forward as objections to a purchaser of the tenant's interest in his holding topics which now were deliberately removed from the Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he considered it would be better and safer to leave this matter to the discretion of the Court. In addition to the three specific grounds at present stated in the clause, hon. Members opposite had already placed on the Paper Amendments specifying three other grounds which they wished to have stated. Yet one of the objections urged by his right hon. and learned Friend opposite against the omission of the clause was that the Bill was over-drafted, and went too much into particulars. Surely that argument of the right hon. and learned Gentleman was rather in favour of the proposal now made. The answer to all the objections which had been made was that the present practice worked extremely well, and that the Courts in Ireland had never had the smallest difficulty in ascertaining what was a reasonable ground for a landlord not accepting a tenant, and this was all the more evident in Ulster, because there were more assignments in that Province than in other parts of Ireland. It would be much safer for the landlords themselves to leave a large and wide discretion to the Court.

MR. BRODRICK said, he differed entirely from the concluding remarks of the right hon. and learned Gentleman opposite that it would be much safer to leave this matter to come before the Court. One of the strongest feelings amongst landlords in the South of Ireland was that, if the particular proviso relating to the means of the tenant were put upon them, it ought to be made incumbent on the tenant to prove sufficiency of means. Everyone knew that it was impossible for the landlord to prove insufficiency on the part of the tenant who, in order to buy the tenancy, might have borrowed the money and be really insolvent, having a large interest to pay. But the fact of leaving this to be settled by the Court was that the landlord would have no power to call upon the tenant to prove anything at all. There was nothing in the Bill which imposed on the tenant the necessity of proving that he had sufficient money to work the farm. He therefore most strongly objected to the omission of the sub-section. But he ventured to oppose the withdrawal of the sub-section on other grounds. There seemed to be a disposition on the part of the Government to leave everything they could not settle for themselves to the decision of the Court. When they were pressed to define the tenant's right, they said the definition in the Act being insufficient, and the House being unable to define it, they would leave it to the Court to settle what was to be the legal value of the tenant right. It was precisely the same with regard to the question of fair rents, and now, on the question of the reasonable ground on which a landlord might refuse to accept a tenant, the Committee were asked to put a child-like confidence in the Court, of the nature of which they knew nothing with certainty, and the composition of which they might find it difficult adequately to criticize when the present clause was passed. He therefore hoped the Amendment of the hon. and learned Member for Dundalk would not be accepted by the Government.

MR. SHAW said, that, notwithstanding the Report of the Bessborough Commission, he was in favour of the exclusion of the sub-section. The proposal would, on the whole, strengthen the hands of the landlords.

Mr. GIBSON said, he was not in favour of time being occupied in dividing the Committee. He had, however, a very strong opinion against the Government giving way on this point. When the Question was put hon. Members on that side of the House would merely indicate their dissent.

Amendment *agreed to.*

Amendment proposed,

In page 2, line 5, after "Court," insert "Provided that no action shall be brought against the landlord or any person giving evidence on his behalf, or against the tenant or any person giving evidence in his behalf, for or in respect of any statement made in any proceedings under this section."—(*Lord Randolph Churchill.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the provision was quite unnecessary. It was settled law that for statement made in the course of any legal proceeding no action for defamation could be maintained.

Mr. GIBSON pointed out that it was not at all clear that the sub-Commissioners, when sent down to make inquiries, would constitute exactly a Court of Justice. He thought, perhaps, under the circumstances, that the noble Lord would be willing to forego the matter at that time, and raise the question, if necessary, farther on, when the constitution of the Court and of the Commission was finally laid down and ascertained.

Lord RANDOLPH CHURCHILL said, he was willing to withdraw the Amendment; at the same time, he thought it right to state that it was at the request of the right hon. and learned Gentleman himself that he had put the words on the Paper.

Sir GEORGE CAMPBELL agreed that it would be better not to raise the question on the present clause.

Amendment, by leave, *withdrawn.*

Mr. H. R. BRAND said, he had only put down the Amendment he was about to move for the purpose of getting some explanation from the Government upon the subject of the exception contained in sub-section 6 with regard to the condition relating to the payment of rent. He was quite at a loss to understand the reason for these words appearing in the sub-section. It appeared to him that the tenant could get compensation for his improvements under any circumstances, and he was quite unable to see why the landlord should not get compensation for damages done by the tenant in case of eviction for non-payment of rent.

Amendment proposed, in page 2, lines 10 and 11, leave out "except the condition relating to the payment of rent." —(*Mr. H. R. Brand.*)

The SOLICITOR GENERAL (Sir Farrer Herschell) thought that these words might be omitted. There was no reason why a landlord should not be able to recover compensation for waste when he ejected for non-payment of rent as well as for the breach of other statutory conditions. The Amendment would, therefore, be accepted.

Amendment *agreed to.*

Mr. PARNELL said, he thought the Committee ought to have some further explanation from the Government before the Amendment was agreed to.

The CHAIRMAN: The hon. Member is too late. I said the "Noes" had it.

Mr. PARNELL said, he rose before the Chairman said that.

The CHAIRMAN: No doubt the hon. Member rose; but I did not hear him challenge the statement.

Mr. GIBSON said, there should be no question as to the absolute right of the landlord to be recouped out of the purchase money for damages sustained by the breach of statutory conditions on the part of the tenant. It might be that the word "may" was for this purpose as strong as the word "shall;" but there was no doubt in his mind that the latter word should be inserted in this case.

Amendment proposed, in page 2, line 11, leave out "may," and insert "shall." —(*Mr. Gibson.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he saw no necessity for the Amendment. It could hardly be intended that the Court should be under an absolute statutory obligation to grant compensation under all possible circumstances; and the advantage of the word "may" was that whilst it left the Court free to refuse to act where its interposition would be inequitable, it was construed as imperative in all proper and suitable cases.

Mr. GIBSON argued that the Amendment was indispensable if, as it purported, the sub-section was really designed to prevent the infliction of injustice on the landlord.

Mr. SHAW said, he had understood that the Government were willing to accept the word "shall."

Mr. GLADSTONE said, the right hon. and learned Gentleman had stated with perfect truth that the intention of the clause was that, where there had been a breach of contract which had been injurious to the landlord, and he had suffered a money loss, the Court should compensate him. The whole question raised was whether it should be said the Court "may" or "shall" do it. It was one of those questions in which he was reluctant to interfere; it was a sacred matter, and to give an opinion where lawyers were concerned might be dangerous. Upon the whole, however, he was disposed to stand by the word "shall."

Mr. O'SHAUGHNESSY said, in the early part of the section the landlord was entitled to his rent out of the purchase money paid by the succeeding tenant, and by an Amendment already accepted he would be able to claim damages for the non-payment of rent. If they substituted the word "shall" for "may," the result would be that the Court would have no discretion but to give damages for the non-payment of rent; whereas, if they left it vague, the Court would be empowered, if they thought it proper, to say to the landlord—"You have had quite enough, and you are not entitled to any damages." For these reasons he thought it better that "may" should remain, or that, when they came to Report, they should re-consider the Amendment they had just accepted.

The ATTORNEY GENERAL for IRELAND (Mr. Law) pointed out that the Court would not give damages for the non-payment of rent.

Mr. GIBSON asked if was intended that the Court might grant the landlord out of the purchase money everything except the arrears of rent? If the landlord was paid his arrears, he would understand that in addition he should not be paid damages for their non-payment.

Mr. MARUM believed the effect of the clause would be to give the right of action to the landlord for nominal damages for breach of contract.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, it would not make the slightest difference whether "may" or "shall" was the word inserted. There was the highest legal authority for saying that the Courts were bound, if the circumstances contemplated existed, to do what the section described. With reference to the other matter, there seemed to be some misapprehension. It was quite clear that for the non-payment of money the Court could not give damages; there was no such thing as an action for damages for the non-payment of money.

Mr. H. R. BRAND asked the Attorney General for Ireland under what clause the landlord, who exercised his right of pre-emption, would get his arrears of rent out of the purchase money?

The ATTORNEY GENERAL for IRELAND (Mr. Law) replied that as soon as the purchase money was ascertained, and the time for payment came, the landlord would simply deduct the rent from the purchase money, and pay the balance.

Amendment *agreed to.*

Dr. COMMINS moved, in page 2, line 12, after the word "moneys," to insert the words "payment of any debt due to him by the tenant and." The Amendment would take away all liability to misconstruction. Without the insertion of the words he proposed it might be held that damages could be awarded for the non-payment of rent.

Amendment *agreed to.*

Viscount FOLKESTONE, who had the following Amendment on the Paper:—

> "Clause 1, page 2, line 12, after "moneys," insert "any arrears of rent which may, at the time of such sale, be due from the outgoing tenant to the landlord, and also any taxes payable by the outgoing tenant due in respect of the holding and not recoverable by him from the landlord, and also,"

said, he did not know whether the Amendment just agreed to by the Committee did not materially affect his proposal.

The CHAIRMAN said, the latter part of the noble Lord's Amendment seemed different from the one just agreed to.

Viscount FOLKESTONE said, the Amendment of the hon. and learned Member (Dr. Commins) seemed to have the same effect as that he had to propose. Perhaps the Chairman would say whether he was of opinion the Amendment last agreed to would cover the point he (Viscount Folkestone) wished to raise.

THE CHAIRMAN said, the latter part of the Amendment seemed different from that of the hon. and learned Gentleman (Dr. Commins.)

VISCOUNT FOLKESTONE said, that if the first half of the Amendment was already covered, and that, therefore, the landlord could get his arrears, he would move the insertion of the words—

> "And also any taxes payable by the outgoing tenant due in respect of the holding and not recoverable by him from the landlord, and also."

The Amendment had nothing to do with the principle of the Bill, and he was induced to move it because he found the same provision in the Act of 1870 under the clauses relating to compensation for disturbance. As he understood that the same rules relating to compensation for disturbance would now apply by this Bill to every tenancy determined, after the passing of this Act, he thought it but fair and just to the landlord that the provision made by the Act of 1870, under the clauses regulating compensation for disturbance, should appear in this clause. He apprehended the Government would have no objection to the Amendment. He did not propose it in any spirit of obstruction; indeed, he thought that if in future obstruction was imputed to the Opposition side of the House they ought to remind the Attorney General for Ireland that he had just now made a most animated speech against his own clause.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he did not think this Amendment was in the same position as that just agreed to, and for this reason. These taxes, in many cases, if not in all, were charged upon the land, and they might be distrained for after the new tenant had come into possession. There was nothing to make the landlord pay the taxes; but if they were not paid the incoming tenant would be called upon to meet them.

VISCOUNT FOLKESTONE said, he had taken the words out of Clause 3 of the Act of 1870; and, as far as he could understand, they would apply just the same now as then.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) remarked, that compensation for disturbance dealt with cases where the landlord had put out the tenant, and taken possession himself. He, therefore, very properly claimed the right to deduct that which would otherwise fall upon the land in his own occupation. But here was a transfer of land from one tenant to another, both of whom were liable. The payment of taxes, therefore, ought to be arranged between themselves.

MR. GIBSON said, there was, no doubt, that distinction between the cases which the right hon. and learned Gentleman had stated. It was plainly not proper that the outgoing tenant should go away with the purchase money in his pocket free from all deductions in respect to the unpaid taxes. But he would not say there might not be some better way of presenting this matter to view. His noble Friend was quite right in raising the question; but it was possible that it might be made in a more convenient form than that proposed. The matter was certainly one that must be carefully considered before the Bill left the House.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) observed, that there would be the right of action by the purchaser to get the money paid from the old tenant, who, by the very nature of the contract of sale, was bound to indemnify him against these charges.

Amendment, by leave, *withdrawn.*

DR. COMMINS moved, in page 2, line 14, after the word "conditions," to add—

> "And which shall be claimed in the suit or process for the recovery of such possession, and awarded by a jury upon the trial of such suit or process."

The object of the Amendment was to prevent what might be a great grievance to the tenant. As the clause now stood, it would be competent for the landlord, when a sale took place, to make a claim for a real or imaginary breach of contract without the slightest previous notice to the tenant. This, however, would be obviated by the Amendment, which also provided a proper tribunal for the assessment of damages—namely, a jury. Where a landlord claimed damages for breach of contract he should oblige him to bring his claim before a jury, having previously given notice to the tenant of his intention to do so. The section would not be complete unless the words he suggested were added. Any differences existing between landlord and tenant could then be fairly tried, and adjusted by a tribunal capable of doing justice between them.

Mr. LITTON apprehended that, before the Amendment was considered, the Attorney General for Ireland should move to add "except the condition relating to the payment of rent."

The ATTORNEY GENERAL for IRELAND (Mr. Law) moved to insert in page 2, line 14, after "conditions," the words "except the conditions relating to the payment of rent."

The CHAIRMAN suggested that the hon. and learned Member for Roscommon should withdraw his Amendment until that of the Attorney General for Ireland was disposed of.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 2, line 14, after "conditions" to insert the words "except the conditions relating to the payment of rent."—(*Mr. Attorney General for Ireland.*)

Lord RANDOLPH CHURCHILL could not conceive why the Attorney General wished to insert these words.

Mr. MORGAN LLOYD considered the words necessary.

Amendment *agreed to.*

Dr. COMMINS then proposed his Amendment.

The ATTORNEY GENERAL for IRELAND (Mr. Law) hoped the hon. and learned Gentleman would not press his Amendment. The principle of the Bill was to leave the Court to determine these questions, and he thought they would be able to determine the point contemplated as well as others. The Government had every wish to do what was fair and just between the parties.

Mr. PARNELL thought it would be better to leave the consideration of the question raised by his hon. and learned Friend until they came to discuss the question of the constitution of the Court. He understood certain Amendments would be moved then with the object of raising the question of some other tribunal for the purpose of deciding these questions, and perhaps his hon. and learned Friend would see it would be more convenient to discuss this point at that stage of the Bill rather than on the question of a particular duty which the Bill proposed to assign to the Court.

Dr. COMMINS thought the Amendment would be acceptable to the Attorney General if he withdrew the last line of it, so that it would read "and which shall be claimed in the suit or process for the recovery of such possession."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Amendment was quite unnecessary. If there was no claim there would be nothing to decide.

Amendment, by leave, *withdrawn.*

Mr. HEALY moved the omission of sub-section 7. The Court fixed the statutory term, and it would be neglecting its duty if it did not take into consideration, after fixing the rent, the amount of the increase of rent. This section provided that at a certain period the Court must take into consideration the improvements made by the landlord or his predecessors. Why should that not be done by way of fixing the increased rent? There was no reason why the landlord should have the power to keep hanging over the tenant the threat that at some future time he should come down upon him for a claim for the improvements he had made. The landlord should claim in the Court to have his statutory term fixed, and in the increased rent he would get the value of his improvements.

Mr. CHARLES RUSSELL said, the effect of the omission of this sub-section would be to compel the landlord to raise the rent for every improvement made on a farm. He submitted, however, to the Government that there ought to be some restriction as to the character of the improvements.

Mr. HEALY said, his object in proposing the omission was that if the landlord had made any improvements he should at once claim the value of them in an increased rent. If he did not do so he would always have it in his power to come down upon the tenant for them. Furthermore, if the landlord valued his improvements at £500, but the tenant only estimated their worth at £100, who was to decide between them?

Mr. A. M. SULLIVAN said, it would be a mistake to omit this sub-section; but it certainly would need amending by the addition of the words "improvements suitable to the holding." He noticed that an hon. Friend (Mr. Givan) had such an Amendment on the Paper. He was aware of an instance where a substantial tenant in the county he had the honour to represent was required by his landlord to permit the making of improvements, even in the way of buildings, and the consequence was that the farm was simply ruined to the tenant. He appealed to the hon. Member for Wexford (Mr. Healy) not to press his Amendment, but to allow them to concentrate their best efforts to carry the Amendment, providing that all the improvements should be of a reasonable and suitable character.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, it would not be well to omit the clause. It was only proper that both the tenant's and landlord's improvements should be taken into consideration. If a landlord wished to be repaid the money he had invested in the improvement of a farm, the clause would enable him to come into Court when the purchase money was paid in and have his reasonable claims satisfied. The clause was not intended to operate in a case where the landlord, by an increased rent or in any other way, had got a return for his investment; but if he had not received any compensation for his improvements, he would be entitled to come into Court and obtain out of the purchase money what would recoup him. The purchaser would know what he was buying and the seller would know what he was selling.

Mr. HEALY asked whether, in the case of the incoming tenant paying the outgoing tenant for the tenant right and the landlord for his improvements, there was anything to prevent the landlord immediately raising the rent or evicting the new tenant?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that in the case of a tenant, who had not the protection of the statutory term, there was nothing to prevent the landlord evicting him in the ordinary way, or raising his rent. But in a case like the one cited by the hon. Member, the landlord, by the very fact of his being paid for his improvements out of the purchaser's money, would be prevented charging any additional rent for these improvements. The hon. and learned Member for Meath (Mr. A. M. Sullivan) had spoken of the advisability of inserting the word "suitable" before "improvements." If the hon. and learned Member would turn to the Definition Clause of the Land Act of 1870, which was incorporated with the present Bill, he would find that by "improvements," improvements suitable to the holding were alone contemplated.

Mr. PARNELL said, what his hon. Friend the Member for Wexford wished to demonstrate was, that where a tenant did not apply to the Court for a statutory term and a judicial rent, the landlord would have, under this sub-section, a right he did not have under the Act of 1870. That was to say, it would give him the right to get compensation for his past improvements whenever there was a sale of the tenant right, and, in fact, to place an additional restriction besides those provided under the Act of 1870. The hon. Member seemed to think it would be fair to except those tenants who did not claim the interference of the Court from the operation of this sub-section wherever it gave an additional right to the landlord not provided by the Act of 1870.

Mr. SYNAN said, if the tenant sold the improvements of the landlord, it was only fair that the landlord should have some claim upon the money so realized. It would be well to strike out the word "tenancy," and in its place say "purchase money paid in respect of such improvements."

Amendment, by leave, *withdrawn.*

Mr. FINDLATER (for Mr. Givan) moved in page 2, line 15, after the word "where," to insert the word "suitable." There could be no objection to the Amendment.

The ATTORNEY GENERAL for IRELAND (Mr. Law) hoped his hon. Friend would not press the Amendment. The definition of the word "improvement" was very explicit.

Amendment *negatived.*

Mr. MULHOLLAND moved in page 2, line 15, after "on" to insert "or for the benefit of."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, they had better leave the words as they were. The proposed alteration would not lead to the smoother working of the measure.

Amendment, by leave, *withdrawn.*

Mr. BRODRICK moved in page 2, line 16, after "predecessors," to insert—

"In title, or by the landlord, or his predecessors in title, jointly with the tenant, or his predecessors in title."

The effect of the sub-section, as it stood, was this—when the tenant right was sold two classes of improvements were provided for—namely, that made by the landlord and that made by the tenant. One class of improvements was not provided for—namely, that made by the landlord and tenant jointly—that class of improvements in which, for instance, the landlord supplied the material and the tenant the labour. It would be most unjust to deprive the landlord of any claim in respect of such improvements, and he felt the Government would see the justice of the Amendment he now proposed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had no objection to the Amendment in principle, but thought it might be more suitably framed. The hon. Gentleman would, perhaps, allow it to stand over until a later stage of the Bill.

Amendment, by leave, *withdrawn.*

MR. GIBSON (for Mr. FITZPATRICK) moved in page 2, line 16, after "predecessors," to insert—

"And the benefit of such improvements has been sold with the consent of the landlord, the landlord shall upon the sale of such holding."

He thought sub-section 7 was, in many respects, one of the most important sub-sections of the clause; certainly it was the most important to the landlord in reference to his past dealings and future relations with the holding. This sub-section pre-supposed by the sale sanctioned in the earlier part of the Bill that the landlord's improvements had been actually sold by the tenant, and it implied throughout that the sole equity of the landlord, whose improvements had been sold by an operation already agreed to, was that he might make an endeavour to substantiate a claim in the Court to be recouped for his improvements, so far as they were in existence and unexhausted. The sub-section further implied that if the landlord did not come into Court at a certain time, it would be assumed, or might be assumed hereafter, that his improvements had been sold under the 1st clause of the Bill. He did not think from what the Attorney General had said, as well as from some words which fell from the Prime Minister on a previous occasion, that it was the desire of the Government to prevent landlords, in the future, having an interest in the holdings of their tenants. This sub-section, however, was one fraught with grave consequences in that direction. That Amendment said this—the landlord, if he consented that his improvements should be sold to the incoming tenant, was enabled to come in and say—"I am satisfied; it suits all parties. It suits the incoming tenant; it suits the outgoing tenant; and it suits my pocket to be paid; and, therefore, I am satisfied that this arrangement should be made, both for the present and for the future." That was one view of the case; but there might be—and he hoped, notwithstanding what had been said, that the number would be still larger—a number of men who desired to retain an interest in their estates; and it was desirable that that class should be increased, and, therefore, he wanted to make it abundantly plain that the landlord might have an opportunity of saying—"I do not desire to be paid off, but I am satisfied to allow things to remain as they are under the old tenancy. I have made these improvements, and the law has given me the right of preferring a claim for them whenever I think proper." That was really the scope of this Amendment. As his right hon. and learned Friend would see, in consequence of the last Amendment, some re-construction of the clause might be necessary. He presumed his right hon. and learned Friend had read the Amendments the first of which he was now moving. They all hung together, and he thought that his right hon. and learned Friend would find that they all tended to carry out the view that he had expressed, and he hoped that he had explained them with sufficient clearness.

Amendment proposed,

In page 2, line 16, after "predecessors," insert "and the benefit of such improvements has been sold with the consent of the landlord, the landlord shall upon the sale of such holding."—(*Mr. Gibson.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had nothing to object to or complain of in this Amendment. He thought that the proposition made by his right hon. and learned Friend was fair and right, and his only objection was of a mere verbal character. His right hon. and learned Friend proposed that the improvements themselves should not be sold, except with the consent of the landlord. That was obviously the view of the Government in the matter. It was only right that there should be no mistake about this—that what the tenant had to sell was not the land or the houses, but the use of them, or the benefit of them, during the currency of his tenancy; and they did not mean that he should have a right to sell anything else. But while he agreed with the reasons on which his right hon. and learned Friend based his Amendment, there were two or three words in the Amendment which were objectionable. He suggested that his right hon. and learned Friend should leave out the words "benefit of" and make the clause run "such improvements." In short, if his right hon. and learned Friend would leave the matter in his hands, he would undertake to re-model the clause on the stage of the Bill.

Mr. GIBSON said, he accepted the suggestion of his right hon. and learned Friend; and, as it would be necessary to re-cast the clause, it could be introduced at a further stage.

Mr. SHAW said, there was one point which must be made quite clear—namely, that where there was a want of consent on the part of the landlord, there should be some notice that on buying the holding the incoming tenant did not purchase the landlord's improvements.

Mr. MARUM expressed a hope that the clause would be so drawn as not to interfere with the freedom of contract.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he did not think that any difficulty would arise. There must be a consent between the two owners, one of whom was the owner of a temporary interest in the holding, and the other the owner of the fee simple of the holding. It was not necessary that there should be any contract between the two parties; but a simple arrangement that the two things should be sold together.

Mr. PARNELL asked the right hon. and learned Gentleman the Attorney General for Ireland what course of procedure he would contemplate being taken where the landlord did not give his consent to the benefit of these improvements being sold? For instance, where a tenant wished to sell his holding, the Bill provided that he might sell for the best price he could get. If the landlord was entitled to come into the sale and claim the intervention of the Court, and ask the Court to say that the price which was to be given by the incoming tenant was too much, and refuse his consent to sell the landlord's improvements for the price offered by the incoming tenant, including the value of the landlord's improvements, would it be left afterwards for the Court to determine how much of the purchase money should go to the tenant and how much to the landlord on account of the improvements? In other words, he wished to know if the landlord could stop the negotiations between the tenant and the person wishing to purchase, or whether it would be left to the consideration of the Court afterwards under sub-section 7?

Sir THOMAS ACLAND said, he understood that it was intended, on both sides of the House, to encourage the landlords in Ireland to continue upon their property, and to encourage them also in making such improvements as outfalls, drains, fences, &c. But it was said that the benefit of those improvements might be sold by the tenant. Was he to understand that if a landlord, being on the best possible terms with his tenant, added to the value of the farm by effecting certain improvements, he would thereby, in consequence of some sale of the interest of the tenant, be precluded from making a fresh agreement with some other person at a higher rent. He thought that ought to be made quite clear.

The O'DONOGHUE said, that all that had been said by the right hon. and learned Gentleman the Attorney General for Ireland appeared to be a contradiction to the answer given to his hon. Friend the Member for Wexford (Mr. Healy). The right hon. and learned Gentleman had certainly pointed out that the outgoing tenant could sell all the improvements of the landlord as well as his own; but if they were bought by the incoming tenant, then the landlord's portion would be deducted from the purchase money, but the improvements would become the property of the incoming tenant.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that what he had stated was that the landlord would come into Court and insist upon having the value of his improvements paid out of the purchase money, and in that case, of course, the improvements became the property of the incoming tenant. But that was only where the landlord acceded to the tenant's request that not only the use or tenancy of the improvements, but also the fee simple of the improvements should be sold. In the event of the tenant asking the landlord to sell his improvements, and the landlord not giving his consent and declining to join, what would happen would be that the tenant would sell what he had always been in the habit of selling—namely, his interest in the holding as improved. He did not sell anything but his interest in the house or the land. In short, whatever he sold was his own interest in the holding as it stood. In that case, no part of the purchase money would be taken in respect of the improvements of the landlord. It was only in the exceptional case where the landlord said—"I prefer that you should sell my improvements along with your tenancy and recoup me my money," that the landlord would have the right to demand the value of his improvements out of the purchase money. If he took that course, the landlord's portion would have to be deducted from the price. But he thought those cases would be exceedingly rare. Such a sale of improvements would be a very rare case indeed; but whenever it did occur, and the landlord agreed to sell his improvements along with the rights of the tenant, of course the tenant would only receive that to which he was fairly entitled, and the remainder would go to the landlord. The Government had already accepted the principle contained in this Amendment, and they proposed to recast the clause for the purpose of more clearly embodying those views.

Mr. H. R. BRAND thought it ought to be made perfectly clear, before they went on with this Amendment, that the landlord was not to be driven into the Court in order to protect his interest. He did not speak of estates on which the landlord had made improvements and charged interest upon them in the shape of increased rent, but of the cases mentioned by the right hon. and learned Gentleman opposite on the second reading of the Bill, where the landlord had made improvements in the past and charged no interest for those improvements to the tenant in the shape of increased rent. In what position would the landlord be placed in such a case? He would be obliged to force the tenant to sell; in fact, to give the tenant notice to quit, in order to compel him to sell his interest so that he might establish what were landlord's improvements and what was the landlord's interest in the farm. He contended that the landlord could not in every case afford to sit still, because, if he did sit still, in the course of time the improvements which he had made and not charged for would be merged in the interest of the tenant. Therefore, the effect of this clause would be to force the landlord to evict the tenant in order to get him to sell his interest.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, it would be obvious that the natural course a landlord whose estates were under-rented would take would be to get the value of his improvements in the form of a fairly increased rent.

Lord EDMOND FITZMAURICE said, he understood the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) to say that he moved not only this Amendment, but, practically, the two following ones. He wished to have this matter made perfectly clear.

Mr. GIBSON said, that the three Amendments were all welded together.

Sir GEORGE CAMPBELL said, the only question was whether the purchaser bought the landlord's improvements or not. If he bought them he would not be liable to any future claims the landlord might set up for improvements.

Amendment, by leave, *withdrawn.*

Mr. W. FOWLER said, he had an Amendment upon the same point, but after what had passed he would not persevere with it.

Mr. GIBSON said, the next Amendment was consequential upon the one he had already proposed, and he would, therefore, withdraw it.

Amendment, by leave, *withdrawn.*

Mr. BRODRICK moved, in page 2, lines 16 and 17, to leave out the words "an adequate compensation," and insert "full repayment both of the capital value and a fair interest thereon." He thought that this Amendment was one that would commend itself to the judgment of the Committee. Where improvements had been made on a holding by the landlord, or by the landlord and tenant jointly, in respect to which adequate compensation had not been paid, it was desirable that provision should be made for the repayment of the capital value, together with fair interest. It was desirable, he thought, to put this matter very carefully before the Court. Adequate compensation might be simply the interest on the capital expended; but, on the other hand, it might be held that adequate compensation had not been paid without an increased rent beyond the interest on the capital expended. It was desirable to put this case as fairly as possible before the Court, and he did not think any injustice would be done to the tenant.

Amendment proposed,

In page 2, lines 16 and 17, to leave out "an adequate compensation," and insert "full repayment both of the capital value and a fair interest thereon."—(*Mr. Brodrick.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he could not accept the Amendment. The real value of a thing was what it would bring, and certainly not the capital expended, and that, too, with interest upon it. In other words, the landlord joined in the sale and offered the improvements as they stood for their true value as ascertained by sale.

Mr. SYNAN thought it would be an extraordinary course to compel a tenant to go into the Court in order that he might ascertain what should be paid to the landlord for improvements. He hoped his hon. Friend would not persevere with the Amendment.

Mr. CARTWRIGHT said, he did not quite understand the position in which the clause was placed. The Government had accepted some portion of the Amendments of the right hon. and learned Gentleman opposite (Mr. Gibson); but the words had not been put down on the Paper, and some confusion had arisen among hon. Members on that side of the House as to the position in which the Committee stood with reference to the clause. He thought that it would be undesirable to continue the discussion until they saw the words of the clause.

Mr. HENEAGE understood that the Amendment moved was that all the words after the word "in," in line 16, to the word "contrary," in line 20, should be omitted. And it was in the middle of the words to be omitted that his hon. Friend opposite proposed his Amendment.

The CHAIRMAN: None of those Amendments were proposed.

Mr. GLADSTONE: In answer to my hon. Friend the Member for Oxfordshire (Mr. Cartwright), as to what is the position in which the Committee now stands, I may say that when the right hon. and learned Gentleman opposite proposed his Amendment my right hon. and learned Friend the Attorney General for Ireland pointed out that in our view the words would perplex and intercept the real effect of the Amendment. My right hon. and learned Friend accepted a subsequent Amendment with a qualification, and undertook to frame a clause. The effect will be that my hon. Friend the Member for Oxfordshire, and others who have not gathered the upshot of what has passed, will have full opportunity of dealing with the matter when the clause is re-framed.

Mr. BRODRICK said, that after what had fallen from the right hon. Gentleman he would ask leave to withdraw the Amendment; and, if necessary, he would reserve to himself the right of again proposing it on the Report. He wished to explain one portion of his proposal which had been misunderstood by the right hon. Gentleman. His proposal was not that the landlords should receive out of the purchase money the capital and interest upon the capital expended, but that where the landlord had not been paid the capital and interest he should have power to make a claim for compensation out of the purchase money.

Amendment, by leave, *withdrawn.*

Mr. E. W. HARCOURT, in moving, in page 2, line 26, at the end of sub-section (7), after the word "tenancy," to insert—

"And where the holding is at the time of the sale let at less than a fair rent, the Court shall, on the application of the landlord, fix a fair rent, and the difference between this and the actual rent shall be capitalized for the term of the prospective tenancy, and shall be deemed to be a debt payable to the landlord out of the purchase moneys of the tenancy," said, this was a matter of a very simple character. Although he should be sorry to put the Committee to the trouble of dividing upon it, he should like to have some assurance that the matter it related to would be dealt with in some way or other. It was a question which regarded what might be called the good landlords, who might, as often happened in England, let their land at 25 per cent below its value. It was desirable that the value of this indulgence should not go into the pocket of the tenant, and that when he sold his interest he should not make a claim for that which really did not belong to him. Therefore, he sought to capitalize that sum, whatever it might be. Supposing a farm was honestly worth £125 a-year, but was only let for £120 a-year, it would be unfair that the tenant should be allowed to claim an advantage for the circumstances which had not been brought about by any action of his own, and which, in point of fact, simply amounted to a remission of rent on the part of the landlord. The tenant ought to be called upon to pay a fair rent in all cases. He understood the right hon. and learned Gentleman the Attorney General for Ireland to say that the tenant had a right to the temporary enjoyment of the landlord's improvements; but this was something more than the temporary enjoyment of the landlord's improvements, because it was money put into his pocket by the landlord for a series of years, and it was not right that the tenant should have the power of selling the value of this indulgence to an incoming tenant. He therefore begged to move the Amendment.

Amendment proposed,

In page 2, line 26, at the end of sub-section (7), after the word "tenancy," to insert the words "and where the holding is at the time of the sale let at less than a fair rent, the Court shall, on the application of the landlord, fix a fair rent, and the difference between this and the actual rent shall be capitalised for the term of the prospective tenancy, and shall be deemed to be a debt payable to the landlord out of the purchase moneys of the tenancy."—(*Mr. Harcourt.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: We cannot agree to this Amendment. If the landlord thinks fit to let his land at less than a fair rent, it may be a very generous and a very proper act; but he must not complain that we make no provision for such a case in this clause. He cannot eat his cake and have his cake. Further, I may say that the adoption of this Amendment would very seriously extend the action of the Court in matters which have not yet been contemplated. I hope the hon. Member will withdraw the Amendment; and when we have considered the action of the Court, and the distinction between ordinary tenancies and statutory tenancies, he may again bring forward a proposal on the subject. But I am bound to say that the principle of the Amendment, affecting, as it does, a man who has been voluntarily receiving less than a fair rent and entitling him to put that down as a debt against the tenant is one which we could not accept.

MR. E. W. HARCOURT said, his Amendment was not retrospective but prospective. Suppose a man had been for the last 20 years letting a farm to a tenant for 25 per cent below its value, what they virtually said was—"If a sale is to take place, you shall be required to let that land for 15 years more at the same price."

LORD RANDOLPH CHURCHILL thought his hon. Friend the Member for Oxfordshire (Mr. Harcourt) had raised a very important point—namely, whether a free sale should be a free sale, or only limited to what the Government appeared to have in their mind—that was, the right of selling a reasonable expectation of continuing in the holding, whatever it might be worth, or whether they were to give the tenant a free sale, to be manufactured out of the generosity of the landlord. There were several properties in Ireland which let considerably under what the Court would consider to be a fair rent. They would force all the landlords in Ireland who had let their property at a low rent to go into the Court at once, in order that they might obtain, in an indirect way, an increased rent. He understood the object of his hon. Friend to be this—to protect the landlord who had treated his tenants with great generosity, and who for years had allowed his tenants to have the land very much under the market value. For instance, he believed there were many cases in which Griffith's valuation had been taken with regard to pasture land, and on many pieces of pasture land

Griffith's valuation was absurdly low. If they gave the tenant the right to sell at that low rent, they would give him a right to sell something which had been conferred upon him solely through the generosity of his landlord. If his hon. Friend's Amendment were accepted the landlord would be able to go into Court and say—"I require the Court to find out what is the fair rent of my tenancy, in order that I may know what difference there is between a fair rent and the rent I have actually charged, because it is indisputably lower than the rent I could get in the open market." The Court would then fix a fair rent, and the tenant would not be able to sell that particular margin between a fair rent and the rent which he had been paying, and which was not a margin he would have acquired by any act of his own. If they did not accept this Amendment they would not enable the landlord to keep out of Court, but they would absolutely force him for his own protection to go to the Court, or else the tenant would be able to sell what did not belong to him. He did not know whether this was the exact point urged by his hon. Friend; but it was certainly a question of very great importance, and if the Prime Minister did not see his way to agreeing to the principle of the Amendment, he hoped that his hon. Friend would go to a division, and take the opinion of the Committee upon the subject.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) understood the point raised by the hon. Member for Oxfordshire (Mr. Harcourt) to be that of a landlord letting a farm to a tenant or tenants very much under its value. The noble Lord opposite (Lord Randolph Churchill) had spoken of the generosity and kindness of the landlord; but whatever the landlord's motives might be, he (the Attorney General for Ireland) assumed that the present tenant ought not to lose any portion of the full value of the interest which he had in the holding. The noble Lord was afraid that when a tenant came to sell his tenancy he might sell to the purchaser a part of the landlord's generosity; but he could not sell without giving the landlord notice that he was going to sell, and the landlord, when he found that his reason for treating the tenant with forbearance and generosity was at an end, and was to be interrupted by the transference of the holding to a stranger, could at once raise the rent; and probably he would not have to go to the Court for that purpose at all, because, if he knew that the rent was very much too low, he apprehended that the tenant would be equally conscious of that fact. Either an arrangement would be come to, or the landlord would go to the Court and get a fair rent fixed. Of course, it was not reasonable that a tenant should be able to sell the generosity of his landlord; but it must be borne in mind that when the time for selling came the landlord would have full notice of the change, and would then give notice to the tenant and to the purchaser of the fact that he intended to raise the rent, and if they could not agree as to what was a fair rent for the holding, then it would be in the power of either of them to go to the Court. But the hon. Gentleman wanted to go far beyond that, and to provide that when the rent was ascertained for the future, the Court should capitalize the future forbearance of the landlord, and pay him the amount out of money which was coming to his old tenant. The effect would be to charge this old tenant with the full money value of the difference between a fair rent and such lower rent as the landlord might then be ready to take from the purchaser. In fact, it would be enforcing the payment of so much of the fair rent, not in the ordinary or natural way, but by anticipation in the shape of a fine or capital sum payable by the original tenant. To that the Government could not accede.

MR. PLUNKET said, the conclusion of his right hon. and learned Friend the Attorney General for Ireland's speech entirely gave the go-by to his argument at the beginning of it. It was said that his hon. Friend the Member for Oxfordshire (Mr. Harcourt) had attempted to give the landlord an opportunity of eating his cake and keeping it; and of obtaining all the *cudos* he could get for his generosity, and then demanding payment for it. If his right hon. and learned Friend the Attorney General for Ireland would carefully study the language of the Amendment, he would see that the words were these—

> "And the difference between this and the actual rent shall be capitalized for the term of the prospective tenancy."

He (Mr. Plunket) had been about to

suggest to his hon. Friend that he should withdraw the Amendment in favour of the one which stood in the name of his hon. Friend the Member for Portarlington (Mr. Fitzpatrick), which proposed to give effect to the same principle, but in better words. The words of the present Amendment were a little too general. However, the principle had been controverted by his right hon. and learned Friend the Attorney General for Ireland, who had argued against the idea altogether. He would, therefore, state what the real object of this proposal was. They must assume an estate, of which there were, indeed, a great many in Ireland, whereon the rents had always been kept down to a very modest figure. The landlord would never have thought of raising the rent upon any of his tenants; but, under this Bill, any one of the tenants, by selling his interest in the holding, might at once put it upon the landlord either to raise the rent or to purchase the holding himself, perhaps at an exceedingly inconvenient period, or else to submit to lose the difference between this very low rent and what would have been a fair rent. The object of this Amendment was simply to enable the landlord to escape the loss of the difference between the low rent he had charged and that which the Court would assign to be the proper rent that ought to be paid, and the Amendment would allow him to escape that loss without undertaking the invidious task of raising the rent on the incoming tenant. That was the whole object of the Amendment, and——

The ATTORNEY GENERAL for IRELAND (Mr. Law): Paying by anticipation.

Mr. PLUNKET hoped his right hon. and learned Friend would allow him to continue his argument. For the sake of argument, he assumed that the rent was very low indeed. The tenant proposed to sell his interest in the holding. It must be assumed that there was a considerable difference and margin in the rent that was charged and what would be declared by the Court under the Bill to be a fair rent. Now, unless they had some such Amendment as this, the landlord would have no alternative except either to submit to the loss of this difference altogether, or to raise the rent against the incoming tenant — and it would not do for his right hon. and learned Friend to interrupt him and say it was paying by anticipation. What difference was there between that and doing what he would do—namely, raise the rent against an incoming tenant? The object was that the landlord should have, not a very low rent, but a fair rent against the new tenant, and that he might be enabled to charge what would be practically a fair rent without going through the invidious process of raising the rent of any particular holding.

Mr. W. FOWLER said, he hoped that the Committee would not be called upon to divide upon the Amendment. The clause was a prospective one, and it might inflict injustice upon the tenant by compelling him to pay a larger sum than he ought to be called upon to pay. He quite failed to understand the difficulty about raising the rent. He agreed with the right hon. and learned Gentleman the Attorney General for Ireland that if there was an exceptionally low rent it would be very easy to raise it. The only question was, what would be the most convenient remedy? and he confessed that he did not think the Amendment would answer any such purpose.

Colonel BARNE thought it was just as well that the tenant farmers of Ireland should understand that by this Bill the whole of the rents of Ireland would have to be raised to their full value. The landlords of Ireland would be compelled, under a heavy penalty, to raise their rents to their full value. He was told that many large estates in Ireland were let very much under their full value; and as by this Bill the landlords would be compelled to raise their rents, hon. Members who were going to support the Government in this division must clearly understand that they were about to vote for raising the rents of the tenants of Ireland to their full value.

Lord RANDOLPH CHURCHILL, who rose amid loud cries of "Divide," said, the Committee had made wonderful progress that morning, and he saw no reason for the impatience they were manifesting, especially as this particular Amendment was a very important one. A landlord let his land admittedly very low. The tenant gave notice to quit, and intimated that he was going to sell the holding. The landlord wished to exercise his right of pre-emption. He was obliged to make it appear in evidence that the land had been let at a very low rent indeed, because it stood to reason that land must be worth more when it was low-rented than when it was over-rented. If the landlord did not wish to have a person coming in of whom he did not approve he was obliged to exercise the right of pre-emption, and unless some such provision as this were inserted in the Bill the landlord would have to pay an enormous penalty for his generosity in the past. They could not get out of the difficulty in any other way. [Mr. GLADSTONE dissented.] He knew very well that nothing more vexed or annoyed the Prime Minister when he was speaking himself than for anybody to shake his head. In consequence, he (Lord Randolph Churchill) had carefully avoided doing so; but he observed that the Members of the Government were constantly in the habit of doing that which they objected to in others. And most of the important Members of Her Majesty's Government, and especially the Solicitor General, were in the habit of sneering, shaking their heads, and turning up their noses whenever anybody expressed an opinion in which they did not coincide. Now, he (Lord Randolph Churchill) did not feel inclined to allow a division to be taken until the Government had entered into a clear explanation of what would be the effect of not adopting some provision like the present one for the protection of the landlord. If the landlord desired to make himself safe, he must compel the tenant to pay an increased rent, and the tenant could take him into the Court to have it fixed. Thereby the Government were actually producing the very result they professed to be anxious to avoid, because if the landlord did not exercise his right of pre-emption he would have to pay an enormous fine for having let his land at a low rent. He should very much like to hear the hon. and learned Member for Dundalk (Mr. C. Russell) argue this question.

MR. E. W. HARCOURT said, that as he was certainly not convinced by what the right hon. and learned Gentleman the Attorney General for Ireland had said he should go to a division. In the first place, the right hon. and learned Gentleman had not quoted exactly what he (Mr. Harcourt) had advanced. He did not wish to capitalize the difference between a fair rent and a low rent, what he wished was that a landlord should not suffer on account of the lenity with which he had hitherto dealt with his tenant, and that if he were to be compelled in the future to let his land below its value because he had done so in the past he should receive some equivalent for an obvious injustice. If the landlord, as the right hon. Gentleman suggested, endeavoured to set himself right by applying for a rise of rent, he would immediately subject himself to the statutory conditions.

Question put.

The Committee *divided*:—Ayes 100; Noes 212: Majority 112—(Div. List, No. 248.)

Committee report Progress; to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

MOTIONS.

LIQUOR TRAFFIC.—RESOLUTION.

SIR WILFRID LAWSON, in rising to move the Resolution of which he had given Notice, said—Mr. Speaker: Sir, I am quite aware that this Session is a very unfortunate Session for anybody to bring forward almost any subject, because, as we all know, the time of the House and the attention of the country are mainly occupied over that Irish Question which has now been the subject of discussion in this House for so long, and which will probably continue to occupy it for some time to come. But although that is quite true, and although I believe everyone thinks that Ireland is now the great subject on which we ought to deliberate, and the subject to which the Government should turn their attention and deal with, and fulfil the hopes and expectations of those Irish Liberals by whom, to a large extent, that Government were placed in power, yet, while admitting all that to the full, I cannot think it would be wise entirely to neglect all other subjects, because, after all, our fellow-subjects and fellow-citizens in Ireland only number about 5,000,000, whereas the people of this Island number somewhere about 35,000,000, and it cannot be out of place to call attention to a matter which affects the whole of those people. Before I go any further I must first explain what, I dare say, most Members of the House are now aware of, that I have altered the terms of the Resolution which stood upon the Paper in my name for a long time. That Resolution, Sir, was drawn up last year. I gave Notice of it at the end of last Session, and I did hope to move it, if the Government this Session did not deal with the Liquor Question. But, as everybody is aware, the circumstances which existed then are now entirely changed, and it would be folly on my part to call on the Government to engage in any great legislative scheme which would arouse strong opposition at this period of the Session, and especially considering the other work which lies before them. Therefore, taking all this into consideration, and taking counsel from some of my Friends, "men of light and leading," I have come to the conclusion that it would be better to alter the Resolution and to make it general in its terms—to make it a Resolution which simply says that this is a matter which ought to be dealt with at the earliest practical opportunity. That is the meaning of my Resolution as it now stands. It declares, in effect, that the matter is pressing and is waiting to be dealt with, and that it cannot brook longer delay after the time shall have come when the attention of the Government can be turned to anything else than Irish affairs. For I cannot but think that my Resolution, and the subject we have before discussed with which it deals, form a very great grievance. I think I can explain very shortly to the House what that grievance is. The grievance is, that there is a law in this country by which irresponsible authorities are enabled to license places for the sale of intoxicating drink wherever they please to do so, and the fact is, that having that power they exercise it to a very large extent, I have no doubt with the best intentions—but the result is not satisfactory. These irresponsible bodies have power to establish places for the sale of drink wherever they see fit, and the consequence is that they do establish them, and intoxication arises from the sale of drink. Now, that intoxication, as I am sure the House will agree with me, is a matter which concerns us all, not merely out of what is called a regard for sobriety, but because it involves consequences more or less serious and severe to the welfare of the whole community. I suppose it will not be denied that this drinking is the main cause of the pauperism which exists in this wealthy country. I often see with delight the efforts made by my right hon. Friend the Postmaster General (Mr. Fawcett), in trying to induce saving habits among the people, by establishing means whereby they can invest their savings in the Post Office and so forth; and I often think it is very hard on him that, while he is doing all he can to establish Post Office Savings Banks and other institutions to encourage thrift, he should be counteracted, and have all his efforts neutralized, by the Government allowing 150,000 persons to get all the money of these poor people by selling them drink in licensed premises. That is one part of my case; but there is another. The other evil that arises from the sale of drink and the fostering of these drinking habits is the crime of the country. I do not think I need quote many authorities on this point, for the House by this time must be almost tired of hearing them; but I should just like to show that this is not a new grievance; it is not one that I have discovered, or that my friends have discovered for me. This grievance, the crime of the country being caused by the drinking habits of the country, is more than 200 years old. Listen to what Sir Matthew Hale said, so far back as the year 1670—

> "The places of judicature which I have held in this Kingdom have given me an opportunity to observe the original cause of most of the enormities that have been committed for the space of nearly 20 years; and, by due observation, I have found that if the murders and manslaughters, the burglaries and robberies, the riots and tumults, the outrages and other enormities which have happened in that time were divided into five parts—four of them have been the issues and product of excessive drinking, of tavern or alehouse drinking."

Now, that was said 200 years ago by the Chief Justice, and the Chief Baron had exactly the same complaint to make a few years ago, when he said that "two-thirds of the cases of law which came before the Courts arise from drinking." I think I have now proved that pauperism and crime arise from this drinking system, and we know also that lunacy is mainly caused by the drinking habits of the people. There is another evil which I may also mention. We have a Bill now before this House, and it is unquestionably a most important Bill, for dealing with the question of electoral corruption. But everybody here knows that there would be very little electoral corruption if it were not for the drinking shops. I do not like to quote too many authorities—not authorities of the past—but still I should like to quote on this point—that drinking is caused by the facilities for getting drink. I should like to quote what one of the most important Committees ever appointed in this House said about the matter. That Committee was presided over, some 25 years ago or more, by my right hon. Friend the Member for Wolverhampton (Mr. C. P. Villiers), and this was the way in which they summed up the matter—

> "Numerous Committees of your honourable House bear unvarying testimony both to the general intemperance of criminals and the increase and diminution of crime in direct ratio with the increased and diminished consumption of intoxicating drinks."

That is a strong indictment, by one of the most influential Committees that ever sat in this House. I will now quote from the opinions of Members of the Government; and I see one sitting near me on the Treasury Bench, my right hon. Friend the Member for Birmingham, who holds the Office of Chancellor of the Duchy of Lancaster (Mr. John Bright). He said once, concerning those who deal in drink, that "they dealt in articles which produced crime, disorder, and even madness." That is a very strong indictment. Then his Colleague the President of the Board of Trade (Mr. Chamberlain) said, a few years ago, that "if something were not done the very stones would cry out." Again, the Secretary of State for the Home Department (Sir William Harcourt) spoke only a few months ago, and spoke most powerfully upon this matter. He said—

> "The character of the evil is of that sort which increases rather than diminishes with the prosperity of the people. . . The whole industry of the country is at the mercy of this unhappy vice. . . He was most deeply anxious to see if anything could be done to remedy it."

The Prime Minister himself said, in language never to be forgotten—

> "It has been said that greater calamities are inflicted on mankind by intemperance than by the three great historical scourges—war, pestilence, and famine. That is true for us, and it is the measure of our discredit and disgrace."

I think I have advanced almost enough to prove the greatness of the evil and the greatness of the grievance, and I hope I shall not be accused of exaggeration. I know it is the proper thing for everybody to say—"Ah, but there is an intemperance in language as well as in drink." ["Hear, hear!"] That is considered very clever, and always draws a cheer from somebody or other. But my opinion is that when a vice produces all the evils—the accumulated evils—of crime, disorder, and madness, it is almost impossible to exaggerate the magnitude or the mischievousness of that vice. And even moderate men, when they go into this question, speak in language which would astonish many people, and would never be used by me of my own accord. There is the hon. Member for Berkshire (Mr. Walter). The House knows very well that he is not a fanatic, and I do not think he is an enthusiast, or likely to be called so. But what did he say about drink? Why, that alcohol, which is the essential of drink, is "the devil in solution!" If I had said that the House would have been shocked; but I only quote it to show what moderate men say when they go into this question. And now we come to an important point in the case, and that is, what is the attitude of the State towards this alcohol, and what ought to be its attitude? I am not going to deny that it is very delicious stuff. ["Hear, hear!"] The hon. Member who cheers agrees, at all events, with that remark. It would be absurd, knowing how largely it is used, and how many a poor man gives up his honour, his fame, his health, his happiness, and all that makes life worth having, for the sake of consuming it—it would be absurd, I say, to deny that it is a fascinating drink. The State knows that, and knows truly enough and well enough that it is a very dangerous article to be dealt with. And so the State says—"We will do what we can, while allowing it to be dealt with, to prevent its doing more harm than we can help to the brains and character of those who consume it." And therefore the State endeavours to minimize the danger. The State has endeavoured, and is endeavouring, to insure moderation in the use of this fascinating but dangerous article. Now, then, let me quote one word—one short sentence—to show exactly how this matter stands. It is put very well in a speech from which I will quote made by my noble Friend the Secretary of State for India (the Marquess of Hartington) in the course of last year. In that speech he described this liquor system, and this is the way in which he did it—

> "We have given to a certain body of traders—the licensed victuallers—a monopoly of the sale of intoxicating liquor. We have given it upon an implied condition, that condition being that the moderate consumption of these articles shall be permitted, and that an immoderate use of them shall be restricted and forbidden; but what is the result? Why, it shows that the existing system is not one which works satisfactorily, and that the implied condition under which a valuable monopoly is granted to a certain body of traders is not observed by them."

That shows that the system which we force on the people is a system which has failed—it "is not working satisfactorily." Well, but that is not because the State has not tried to make it work properly. It has made very great and praiseworthy efforts in that direction. It has considered very carefully the how, the when, and the where this drink is to be sold. It has considered how it is to be sold, and it has taken the greatest pains in inquiring into the character of those who sell it; and if anyone wishes to know what are the many virtues of the licensed victualler, he has only to go to one of their dinners, presided over by some of the hon. Members I see before me. If anyone will only do that, he will be sure to know all about it before he comes away. I agree with what was once said by the right hon. Member for Birmingham about the danger of running down the characters of the licensed victuallers. The right hon. Gentleman said—"A great deal of harm has been done by running down the characters of the licensed victuallers." No doubt a great deal of harm has been done in that way; but my conscience, at all events, is perfectly clear. I have always said they are the finest body of men in the country. Indeed, that is my case. If anybody were to show that they are a lot of disreputable people, the answer would be clear—"Let us put fresh men into their places." But I say—"No; they are good men. They have done their best. It is not the men, it is the system that has broken down." I remember a speech of my right hon. Friend the President of the Board of Trade, in which he said—

> "If I thought that by putting on an apron and going behind the bar myself, I could carry on the trade more satisfactorily than it is now carried on, I should think it the most religious and patriotic act I could perform to go and serve behind the bar."

Precisely so; but he has never done it. He had never done it, because he knows they are as good as he. What terrible punishments there are for licensed victuallers' sins! What a vast deal of trouble the State has taken to determine when drink should or should not be sold! Certain days are allowed—certain hours are allowed for opening, and certain hours fixed for shutting. It is a meritorious act to sell at 11 o'clock at night; it is a crime to sell at one minute past 11, so minutely has the State gone into all these matters. Then the State has taken great trouble as to where the drink is to be sold. There are provisions as to rental, and as to what sort of a house it is to be, and the magistrates are told to inquire carefully into the requirements of the neighbourhood. And yet, with all these precautions and all these minute and detailed injunctions as to how the trade is to be carried on, the whole thing—as the noble Marquess said in the speech from which I have just quoted—the whole thing has been nothing more than a ghastly failure. I do not know where we are to find men to set the system on its legs in a new fashion, and to carry it on in a satisfactory way. We have all seen, some time ago, and the working men of this country have seen, what the noble Marquess said last year—that the whole thing is unsatisfactory, and that the licensing system is doing a great deal of harm. Thence has come the agitation which has troubled so many hon. Members of this House, and which makes some of them afraid to look their constituents in the face, this agitation for legislation in the direction of prohibition. We cannot deny that the agitation comes mainly from the working men, for we have not had many supporters from the upper and middle classes. The working men say—"We have seen that the licensing system does a great deal of harm; but we see many places where there is no licensing system, because there are no licensed houses. In those places drinkshops are not set up, and there we find that a great amount of benefit has resulted from their absence." Liverpool is the headquarters of alcohol, so far as I know. ["No, no!"] Well, somebody says "No!" Everybody thinks his own place the worst. Everybody says to me—"Oh, my good fellow, come down here; this is an awful place!" But Liverpool, at all events, is bad enough. What do the working men see there? They see great districts—one belonging, I believe, to Lord Sefton, and another to my hon. Friend the Member for the Flint Boroughs (Mr. Roberts)—places where the landlords say—"No drinkshops shall be set up"—places which are oases in the desert of drink. What is the result? Why, that even in Liverpool the working men are content to go long distances in order to get houses in those districts, so as to be away from the contaminating influence of the drinkshops. Then there is a district in the suburbs of London, called Shaftesbury Park, which is carried on by a benevolent company, and one of the cardinal rules of which is that no drinkshops shall be set up there, and that is one of the most popular places for the dwelling of working men in all London. Wherever you go throughout the country you find parishes where the landlords, having the control of the whole thing, and being able to prevent them, prohibit them—prohibit the setting up of drinkshops. And what do you find there? Are the people puny, suffering from the want of drink? Are they wretched, half-starved, gloomy, and spiritless? Not a bit of it. They are happy and comfortable, and they thank their beneficent landlords who have kept a great nuisance out of their way. I saw recently that a Gentleman who was formerly a Member of this House, and who is well known to many of us—I mean Mr. Thomas Hughes—has established a sort of model colony in America, and he is taking out to it the best educated people he can find. I have always heard that educating people cures drunkenness, and, therefore, that an educated people could safely be trusted to have as much drink as they like. But my Friend Mr. Hughes says—"Not a bit of it. This is a free country, where everybody can do what they please; but mind, don't let us have any sale of drink." I do not find fault with the magistrates. They do the best they can, and certainly they do the best for themselves. As they have the power of stopping the drinkshops, and preventing them from being established except where they please, they take care not to set them up at their own doors. If a magistrate finds that it is sought to obtain a licence for a house too near his own, he immediately writes letters to all his friends on the bench—"Dear So-and-So,—Whatever you do, be on the bench on such a day. A licence is applied for a house next door to me." He gets all his men "whipped up," and the house for which the licence is asked is, of course, "Boycotted." All I ask for to-night is this—that you should give to the poor man the same privilege which the rich man has now—the privilege of protecting himself from these abominations. I do not know—it is not my business to know or to prophecy—whether, if you gave the people this power, they would avail themselves of it; but I do know that many who know the working people better than I do are convinced they would. Dr. Guthrie, one of the most eminent Scotchmen who ever lived, and who knew his country and its poor thoroughly well, said, years ago—

> "I am convinced that if the people of this country had the power, the very poorest in the lowest neighbourhoods would, by an almost unanimous voice, sweep away the drinkshops set up among them."

I say they ought to have a right to do it. So far as I am concerned, all I have asked for is, that you should give the poor man the right which the rich man has, and that from the magistrates, with whom I do not find any fault, you should take away the irresponsible power now intrusted to them. And, Sir, as the House knows, I have often, perhaps, wearied them by explaining this policy to them, and in former days I had very little success. I was always defeated by my excellent Friend Mr. Wheelhouse, whose convincing arguments always led a large and enthusiastic body of Followers into the Lobby with him, to prevent the people having this power which I ask for them. But a change came over things a little more than a year ago. There came a General Election—the General Election of 1880—and a remarkable Election it was. Remarkably good. ["Question!"] I am coming to the Question. I am going to say why it was good. It was good, because when we counted up the Returns after the Election, we were able to say, not what was once said in this House with regard to the United States of America, that "the great Republican bubble has burst," but that "the great Publican bubble has burst." We had always thought, up to that time, that Beer was king, and that the hon. Member for Guildford (Mr. Onslow) was its prophet. But this was all changed after the last General Election. The verdict of the country was taken. No doubt, the principal question at that Election was as to our warlike policy; but I am quite sure that what had a great deal to do with the result was the determination of the electors of this country that this war against all that is good and virtuous and respectable in this country should also be put a stop to as well as all our foreign wars. Do not say that my language is too strong, for I always give my authorities. I have quoted the hon. Member for Berkshire (Mr. Walter), and I will now give the opinion of one who was once a brewer and a Member of this House—namely, the late Mr. Charles Buxton. He said—

> "The struggle of the Church, the school, and the library against the public-house and the beershop is only one development of the war between heaven and hell."

I believe the people of this country were animated by a desire to do something to put a stop to that war when they returned the present Government to power. I, having been fortunate enough amongst other people—or unfortunate enough—to get a seat in this House, moved this Resolution, which I may, perhaps, read to the House, last Session—

> "That, inasmuch as the ancient and avowed object of Licensing the Sale of Intoxicating Liquors is to supply a supposed public want, without detriment to the public welfare, this House is of opinion that a legal power of restraining the issue or renewal of licences should be placed in the hands of the persons most deeply interested and affected—namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system, by some efficient measure of Local Option."

Now, that simply meant, as the House sees, that, in my opinion, no irresponsible body should have the power of forcing drinkshops on an unwilling neighbourhood. I copied that Resolution from the words used in the Report of a Committee of Convocation—a most interesting document that appeared some years ago, in which gentlemen who had studied the question deeply said they had found out that wherever there were no drinking-shops—they having been put away by the will of the landlord of the place—they found sobriety, law, and order, and happiness that was most gratifying. I brought forward that sentence from the Report of the Committee as my Resolution, and I said it simply stated that people in other places ought to have the power of putting themselves in the same happy condition that some landlords had put their tenantry into. I know that some hon. Members in this House who voted for that Resolution thought it went further than that, and that it implied that there ought to be a new system of licensing, new licensing bodies, and so forth. Well, if it meant that, I am very glad. I do not affirm it or deny that it meant so much; but all I say is, that I know it meant what I wished it to mean—namely, that the power of preventing the forcing of drinking-shops on any place should be given to the people; and I want the House to understand that it does not run counter to any Licensing Bill or scheme that anyone may bring in. I should be delighted to see a good Licensing Bill; and what I ask is that, along with that Bill, we should have the simple power of saying—"Do not put all your machinery to work, if the people do not want it to work." I have heard people say that I ought to talk about compensation. ["Hear, hear!"] Yes; hon. Members opposite want compensation. It is said it would grease the wheels, and make the thing go much more smoothly, if I were to talk about compensation; but I do not think that is my business. We should have the account presented to us before we pay it. The House is quite ready to consider, and respectfully study, the claims of the licensed victuallers, whenever they tell us what they want compensation for. I am for compensation, if it is fair, and if it is proved to be fair, and only then. All that we must consider when we get to the Bill. Do not let anyone say they will not vote for my Motion, because there is no compensation in it. That is a matter which we must hand over to the Committee, when the wise men come to have their say about it. I have said nothing about compensation either in this Resolution or in the last, and I think it is well that I did not do so; for what did my right hon. Friend the President of the Board of Trade say at Birmingham last week?—

> "In our English Legislature there are numberless precedents in which legal rights have been proved to be in conflict with public morality and public interest, and have been restricted and limited, and I am not aware of any such case in which compensation has been given to those who have been thus treated."

My Resolution was carried last year, as the House knows, and I think it would not be out of place for me to give, very shortly, some remarkable facts connected with the majority on that occasion. Scotland gave me a majority of about 8 to 1 in favour of the people being intrusted with the power I ask for them not only in Scotland, but in the rest of the United Kingdom. Ireland gave me a majority of nearly 2 to 1; but Wales, better than all, gave me a majority of 12 to 1. Now, I think that was very satisfactory, and showed that there really was a great feeling in the country on this matter. And, more than that, what was very satisfactory to me was that no less than 19 Members of Her Majesty's Government voted with me on that occasion, and I hope I shall have a few more to-night. No less than four Cabinet Ministers voted with me in favour of this just and righteous Resolution which I propose. I will not say how many voted against me, because I am sure they would not like to have it recorded. Well, but I must candidly admit that the Prime Minister did not vote for me on that occasion, and I am very sorry he did not. But he gave his reasons, and I will tell you what those reasons were. I had, having been unfortunate in the ballot, been obliged to bring on the Resolution on a Friday evening, and, as the House knows, Supply is the first Order on that day, and the Prime Minister was reluctant to vote on a question on going into Committee of Supply. He thought it would be inconvenient not to take Supply, therefore he declined to vote for my Amendment. He said—

> "The forms of the House require my hon. Friend to bring on his Motion as an Amendment to Supply, which enables me to deal with him very much as if the Previous Question were raised."

But he said in the course of his speech, and I want the House to pay attention to this—

> "I earnestly entertain the hope that at some not very distant period it may be found practicable to deal with the Licensing Laws, and in dealing with them to include the reasonable and just application of the principle for which my hon. Friend contends." —[3 *Hansard*, ccliii. 362-3-4.]

Now, that was very satisfactory to me; and I have no hesitation in saying that though the Prime Minister conceived it to be his duty to go into the Lobby against me, his speech was worth 20 votes of other hon. Members. I do not think that during the whole of last Session, or since he has been returned to power, he ever made a speech that gave greater satisfaction to a greater number of his supporters out-of-doors than that in which he gave a promise at some day not very far distant to give them this reform they have so long desired. The House, I believe, understands the position in which the matter now is. By their vote on my Resolution last year, the House solemnly declared that there was a great grievance unredressed—the grievance which I have already described. Twelve months have gone by since that Resolution was passed, but still the evil is in full force. What, I will ask, has the country not suffered during the past 12 months in consequence of the evil going on unchecked? Why, the newspapers are filled every day with the records of crime, and outrage, and misery, and pauperism. This House is employed, rightly employed, I am sure, in doing what it can by legislation to put a stop to the outrages we so often hear of in Ireland. That is all very well; but I venture to say that in one week throughout the United Kingdom there are more outrages committed through this drink evil than there are committed in Ireland in six months. ["No, no!"] I am astonished to hear an hon. Member say "No, no!" I am sure the hon. Member never reads the newspapers, and knows nothing of what is going on in the country. This evil arises from drinking, and drinking from the public-houses. I think that is logic, and I will give just one instance to show how these places are licensed. There is a place called Tynecastle, within the constituency of the Prime Minister himself. It is a district largely occupied by working men, and is just beyond the Edinburgh municipal boundary. Someone sought for a licence for a corner house, and 80 per cent of the adult inhabitants of the district petitioned against it; but the Court granted it. They then went to the Confirmation Court—in these matters they go through sieves, as the House knows. Although out of 71 householders within 60 yards of the place 61 had signed a petition against, yet the Confirmation Court confirmed the licence, and the public-house was established at the doors of these working men who had protested by such an enormous majority that they did not want it. That is not a fair state of things. I say these men are not fairly treated. They could be safely and wisely intrusted with the power of deciding whether or not they would have public-houses amongst them. Well, Sir, the House passed my Resolution, and it may be said "that is a step towards a Bill." That is perfectly true. People have said to me—"Well, I suppose now you will bring in a Bill;" but those were people who did not exactly know the House. This House is in a curious condition now. There was a time when it was, I believe, fairly possible for a private Member to get a Bill of any importance through; but that was before the creation of the hon. and learned Member for Bridport (Mr. Warton). I think there is a text which says—"One sinner destroyeth much good." We may paraphrase that by saying—"One blocker paralyzes much good legislation." [An hon. MEMBER: Blockhead!] No, not "blockhead"—the House knows what I mean. The House knows that I have no chance of passing legislation, and so, after I passed my Resolution, it was quite evident that the time was coming when the Government would have to take the question up. As I told the House, the Prime Minister in his speech very clearly and fairly foreshadowed that time. I have said, and I repeat it, that I think it would have been absurd to have held the Prime Minister and the Government hard and fast to their promise during this Session, because the state of Ireland, as we know, is so acute that it must be dealt with without delay, and it takes the whole time of the Government, looking at the Opposition, to do it. For myself, I say that I do not believe that even the question of Ireland is of more importance than that of this drink traffic, because my intellectua power is not sufficient to enable me to conceive of anything more important to the State than getting rid of the causes that produce the accumulated evils of war, pestilence, and famine. All that I can do, however, is to urge on the House and on the Government that they will not allow any undue or unnecessary delay to take place in dealing with the matter. The demand for legislation on the subject, as this House well knows, has grown steadily from year to year. Many hon. Members can remember how those who advocated this were ridiculed at first; but now, whatever hon. Members on the other side may think, all must admit that it is a question that excites more interest than any other amongst the masses of the people of the country. The people out-of-doors are, naturally, a little sore that the question cannot be dealt with. It seems to them a little hard that this House will hardly ever turn itself diligently and steadfastly to anything unless there is confusion and tumult out-of-doors. It is, in my opinion, one of the saddest things in our political life. It has always been so, and so, I believe, it will always continue. But it would be a noble thing if, in this matter, we could listen to the voice of the people, though we know that they are not the sort of people who will commit outrages to get what they want. I merely wish by this Resolution to give an earnest to the Government that the House will cordially support them in dealing with this evil, and in giving that measure of self-government which will be honourable to the Parliament that bestows it, and a boon and a benefit to the people who receive it. I beg to move the following Resolution:—

> "That, in the opinion of this House, it is desirable to give legislative effect to the Resolution passed on the 18th day of June 1880, which affirms the justice of local communities being entrusted with the power to protect themselves from the operation of the Liquor Traffic."

MR. BURT: I rise, Sir, to second the Resolution moved by the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson). In doing so, I have no intention of detaining the House more than a minute or two. On previous occasions I have had an opportunity of explaining my views very fully on this question to the House; and, even if I had intended to speak at length, I think that, after the very able and exhaustive speech my hon. Friend has just delivered, I should have considered it unnecessary to do so. I simply rise to testify to the very great interest that is felt by a large and intelligent section of the community in this Temperance Question. My hon. Friend has spoken of the evils of intemperance. He has dwelt on those evils at some length. Now, Sir, I think we shall all admit that these evils cannot be exaggerated. It is very fortunate that we have now arrived at a stage when these evils are fully recognized by an increasing number of the community; and it is also satisfactory that the public mind is entirely alive to the importance of dealing with this subject by legislative enactment. I think, Sir, that there never was a time when it was more necessary than it is now to deal effectively with this subject. It must, however, be admitted that in the present state of Public Business we are not in a very good position for devoting our attention to a matter of this kind. Other questions, not, perhaps, more important, but more clamorous for attention, are calling upon us and forcing us to deal with them. There is only one point on which I would like to say a single sentence. We shall undoubtedly hear to-night, as we have frequently heard before, of the iniquity of "robbing the poor man of his beer." Well, the hon. Member for Carlisle has referred to the fact that we have a very large number of parishes and districts in the United Kingdom where public-houses do not exist. The landlords in these places have shut up the public-houses. There is no option, local or otherwise. The landlords are determined that there shall be no public-houses on their estates. Well, I do not complain of that; I think it is a great advantage to the community. This absence of public-houses is a real benefit to the inhabitants that reside in these localities; but I would ask of the hon. Member who speaks of the tyranny of depriving the poor man of his beer whether it is more tyrannical or iniquitous for the majority of the inhabitants, after due deliberation, to determine on closing the public-houses than for a single individual to declare that no public-houses shall exist on his estate? I am very glad that my hon. Friend has modified his Resolution, and I trust that now, recognizing as I do, and as I am sure he does, the difficulty the Government must experience in giving any pledge to immediately deal with the subject, we shall, nevertheless, have from the Government some assurance that they appreciate the importance of the question, and that they will without unnecessary delay grapple with it in such a way as to include this principle of allowing the inhabitants the right to say whether these public-houses shall exist in their midst or not. I have great pleasure in seconding the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is desirable to give legislative effect to the Resolution passed on the 18th day of June 1880, which confirms the justice of local communities being entrusted with the power to protect themselves from the operation of the Liquor Traffic."—(*Sir Wilfrid Lawson.*)

Mr. DALY said, he had listened with a great deal of attention to the speech of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), and as regarded his opening observations he (Mr. Daly) had no exception to take to them; but the hon. Baronet, in asking the House to affirm this principle of local option, had failed entirely in making out his case. The hon. Baronet should have done something more than display the disadvantages of intemperance. He was bound to give them some indication of the gulf into which he asked the House to plunge by endorsing his Resolution. The hon. Member who seconded the Resolution (Mr. Burt) had adverted to estates which were held by a proprietor who made it a condition that there should be no alcoholic liquors sold on his property. The hon. Member forgot to mention that the persons who went to reside on those estates went there with a knowledge of the conditions precedent to such residence, and very likely those who elected to go there were teetotallers, and selected the residences in consequence of the prohibition. That was a very different thing from giving power to a small majority to debar the large minority in any locality from the power of obtaining what they had been in the habit of using. The Resolution before the House primarily required that the House and the Government should adopt a violent and extraordinary change in the system of licensing public-houses. Before asking the House and the Government to adopt any such principle, the hon. Baronet was bound to show that the drunkenness he deplored was attributable to the present licensing system; but he had failed to do that. He was bound to prove a great deal more, and that was that the system which he wished to substitute for it would decrease intemperance; but that also the hon. Baronet had failed to prove. Although the Resolution of last year was carried by a small majority, the House was now asked to adopt a completely different proposal. The Resolution of June 18 simply affirmed the principle that a legal power of restraining the issue or renewal of licences should be placed in the hands of the inhabitants themselves; but now the House was asked to affirm that the principle of that Resolution ought to be embodied by the Government in a Bill. Even if the House adopted the present Resolution, he, for one, failed to see how it could be carried into practical law. He complained of the utter vagueness of the proposition. What did the hon. Baronet mean by "inhabitants?" Did he mean persons of every age, sex, and condition, or did he confine himself to adults? On that point the Resolution was vague and indefinite. He (Mr. Daly) had heard it stated that the principle was the same as that of the Permissive Bill; but, if he recollected rightly, that Bill provided that prohibitory legislation of this kind should be adopted only by the ratepayers, and then only by a majority of 2 to 1. A majority of the inhabitants might mean one, and would it be reasonable that a minority so nearly resembling a majority should be coerced by that majority? Before the House came to a decision upon the Resolution they should be put in possession of much fuller information as to what was intended. If they were to be governed by majorities, it should be by majorities in those classes who would be affected by closing public-houses. If the doctrine of majorities was to be adopted, he would ask upon what logical grounds Home Rule could be withheld from the Irish people? It was not fair for those who would not be affected to prohibit a man from having a glass of beer. If they were going to treat this as a workman's question, it should be decided by workmen, and not by those who had no interest in the matter. One of his objections to this scheme was that it would be totally unworkable. It would take all the intellect of the Cabinet, combining as it did so many illustrious men, to embody the Resolution in any fair scheme of legislation. Even supposing it should become law, it would infallibly lead to demoralization; because it would be a direct inducement to a man who wished to keep his house open and to retain his position, to give loose and indiscriminate credit for drink, and it would also, to a great extent, lead to a disregard of police regulations. By a dexterous manipulation of the ratepayers, a monopoly would be created, and the monied man would push the smaller man out of the way. Any legislation of that kind would do a great deal of harm to the few, ostensibly on the ground of doing good to the many. A licence as at present existing was a real, good, and substantial property. In the city (Cork) which he had the honour to represent, he had frequently adjudicated on the question of licences, and he spoke from knowledge and observation when he said that it was next to impossible for anyone to obtain a new licence. The hon. Baronet very adroitly shelved the question of compensation; but the question of compensation for injury to a licence had been affirmed over and over again. It was notably affirmed in Dublin in 1877. The present Recorder of Dublin, a learned man and good lawyer, refused to grant the renewal of a licence, on the ground that there were already licences enough in the locality to meet all requirements. That decision was appealed against, and the Court of Queen's Bench reversed the decision, Chief Justice May stating that existing vested interests could not be extinguished, even with a legitimate object, without compensation. The hon. Baronet stated that, under the present system, licences were granted by an irresponsible body. That was a very wide flight of the imagination. The magistrates had to be satisfied not by mere oral testimony, but by the testimony of witnesses on their oath; and, so far from being irresponsible persons, the magistrates were bound to discharge their duty without fear, favour, or affection. All who wanted to prevent the renewal or the transfer of licences were at full liberty to appear before the magistrates and oppose applications for those purposes; and if they could satisfy the magistrates of the truth of their objections, the magistrates were under the obligation of their oaths to refuse the applications so opposed. So far from the magistrates being an irresponsible body, the very contrary was the fact. He thought it incumbent on the hon. Member for Carlisle to show that the magistrates had not properly exercised their powers before he asked the House to take any step towards taking those powers out of their hands. The hon. Baronet had made no attempt to prove any such a proposition, yet it was necessary he should do so before he could be said to have laid the foundation for a measure which would destroy an institution and create another in place of it. Another point to be noted was this—that at present the licensed victuallers were interested in keeping their trade in their own hands, and that they had large associations whose object it was to protect their own interests and keep others out of the ring. [" Hear, hear! "] Yes; but in that very fact they had a security that drunkenness could not be forced on a locality by the needless multiplication of public-houses. They came to the practical side of the question when they considered the amount of compensation which would have to be given, and for that, as he had stated, there was the high judicial authority of Chief Justice May. That would be a question which the Government would have to consider, if it ever determined to give effect to the principle. He would not undertake to say how much compensation would have to be given. An enormous sum was vested in the trade, and many millions would have to be paid. He thought it would be wrong in the Government to hold out the slightest hope that a principle so utterly vague and indefinite would be carried into effect. He regarded the proposal as one altogether impracticable, unworkable, and dangerous, and he should give it all the opposition in his power, because, at the same time, he thought it would be unwise and impolitic.

Captain AYLMER said, that if the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had confined himself to the object put before them by the Seconder of the Resolution (Mr. Burt) there would have been no opposition; for the desire of the Seconder was to see legislation brought to bear, if possible, on the putting down of intemperance. The Resolution, however, contemplated local communities taking the place of the magistrates of the land; but the hon. Baronet had not shown what was to be the formation of the body that was to take the place of the magistrates.

Sir WILFRID LAWSON explained that he only proposed a veto which would be exercised by not licensing, not by licensing.

Captain AYLMER continued, that it had not been shown how local communities were to exercise the veto—whether the power would be vested in all the residents, whether the veto would depend on manhood suffrage, or whether the women would have a voice. Anyhow, those who were most likely to have the interests of temperance at heart would be most likely to absent themselves from the poll; they would not go to the poll to meet the rowdies and the roughs opposed to temperance. Besides, the decision would not be arrived at independently, for it was very certain that the public-house people would get at those who had votes, and would use every means in their power, by granting credit and other benefits to those who frequented their houses, to secure their votes for the renewal of licences. Licensing was a judicial matter, and ought to remain so, and judicial functions could be exercised wisely only by those who were in permanent and independent positions, and ought not to be intrusted to those who were elected periodically. By implication the Resolution cast a slur upon the magistrates; and, in his opinion, the magistrates had done their duty. A consequence of this was that there had been a diminution of intemperance in the last 30 or 40 years, and the number of public-houses had very much diminished. The Resolution would leave the decision of the question to those directly interested one way or the other; but the magistrates held the balance between the teetotallers and the drinkers, and considered the interests of the whole community. The question was, would temperance be promoted if the Resolution of the hon. Baronet were put into a Bill and that Bill became law? It was possible that in some little gardens of Eden a majority might decide to do without drinking-shops; but it was not certain that other places would not take the opposite course of increasing their drinking-shops. ["Oh, oh!"] He presumed that by local option those people would have the right to vote for an increase as well as a decrease. What did the Resolution mean? It seemed to him that it meant the Permissive Bill pure and simple. It was very certain that if the State found the sale of spirituous liquors was injurious to the State, it would be the duty of the Government at once to suppress, not only the sale, but the manufacture of those liquors. He did not think that any hon. Member would say it was the duty of the State to put down altogether the manufacture of spirits, beer, and such like things, because a few people used drink to excess. If, then, it was admitted that the manufacture of those things was to go on, on what ground could it be said that the sale of them was not to be permittted? To him it seemed to be utter nonsense to say a man might manufacture an article, but must not sell it. He was as much in favour of temperance as the hon. Baronet was in favour of doing away with the fearful effects of intemperance in this country. He was happy to say that the evidence given before the Committee of the House of Lords two years ago showed that temperance had increased and that intemperance was decreasing in the land; but he was sure that the hon. Baronet was not going the right way in suppressing public-houses altogether. The right way was, first, to educate the people as to the vice of intemperance, and then, as they must have public-houses, he believed the second thing was to make them better. Public-houses now were palaces compared with the dirty dark gin shops of 20 or 30 years ago; and he was entirely at one with the hon. Baronet in wishing to root out the disreputable ones that remained, replacing them with fine, open public-houses, with large glass windows, giving plenty of light, where people could not get drunk without the chance of being observed. In doing that more would be done to promote temperance than could be done by means of the Resolution. He opposed the Resolution because it did not define the mode by which the hon. Baronet proposed to do away with the vice of intemperance. The principle of local option was altogether wrong, however applied. After all, it was nothing but tyranny—the tyrannizing of a majority over a minority. It was wrong in principle, useless in practice, and entirely opposed to the views of the people of this country.

MR. H. B. SAMUELSON, in supporting the Motion, said: I do not think, Sir, that the prospects of the Resolution before us will be much damaged by the speech that we have just listened to. With a great deal of that speech, so far as the hon. and gallant Member (Captain Aylmer) deplored the drinking habits of this country, we must, of course, all agree. It may, too, be true that, in the long run, we must look more to the spread of education for the prevention of intemperance than to any legislative action of this House. We must, in the meantime, however, bear in mind that we have not yet got a perfect system of education, and it is therefore necessary that something should be done by legislation. Until the whole people of this country awake to a sense of the evil effects of intemperance, it is necessary that we should do something to counteract its effects, which must be acknowledged to exist, at any rate, by any person who has read the evidence of the various Commissions which have inquired into this question. Now, Sir, nothing struck me more in the speech of the hon. and gallant Member for Maidstone than the language which he used about drinking-shops. He dilated on the advantage of having them as large as possible, as well as gaudy and attractive; and, in the same breath, he talked about the necessity of their having large glass windows in order to enable the police to see what was going on inside. He preferred that men should be gathered into such places rather than the lower class of houses, and declared that by being under the eye of the police they would be prevented from doing wrong. But surely it is not necessary to vindicate the existence of public-houses on such grounds as that. Whether large or small, attractive or otherwise, they exist in many places in too great numbers, and, I am afraid, will continue to do so, unless something is done to prevent their continual increase. The hon. and gallant Gentleman said that, no doubt, if the Resolution were acted upon, and a new law were made, there would be found in this country some gardens of Eden, where public-houses would not be allowed. I suppose he meant gardens of Eden from which the serpent had been expelled. It is not, however, desirable that these gardens of Eden should alone exist at the option of the local landowner; but it is desirable that the people generally should have a voice in the matter. But it is the proposal that such a voice should be exercised which alarms the hon. and gallant Member. He spoke about the elections that would take place if the Resolution were carried into legislative effect, and said that respectable people would abstain from voting. That is an argument that I will not attempt to controvert. It is sufficient for our purpose that the greatest advocates of the present system should state openly that the people who would be likely to vote for the continuance of too many public-houses would be "rowdies." The hon. and gallant Member told us also that the inhabitants at large of the various localities were not fit persons to be intrusted with such judicial functions as the selection of public-houses. He forgets that every man here owes his right to sit in this House to those very people to whom we would give the right of saying whether they should have public-houses or not. I do not think that he will say that the publicans are persons who ought to be elected by a more select constituency than that which returns the Members to this House of Commons. Moreover, the hon. and gallant Member opposed the Motion of the hon. Baronet (Sir Wilfrid Lawson) because it is indefinite. It is because the Motion is indefinite that I am ready to support it. I say so for this reason. The hon. Baronet throws on the responsible Government the onus of settling the executive detail of the principle of giving localities some part in determining whether public-houses shall exist among them or not. He does not state in what way the principle is to be carried out; but he throws on the Government the responsibility of introducing a scheme for carrying out his Resolution. It was curious that while the hon. Gentleman the Member for the City of Cork (Mr. Daly) would not allow the inhabitants of the various part of the country to decide whether they would have public-houses or not, or how many they should have, he considered that it was quite right that the public should be protected against the encroachment of unnecessary public-houses by the organization which is established by the licensed victuallers themselves for the protection of their monopoly. He appeared also to think that it added greatly to the claim that organization had on our respect that they were a very wealthy body and able to employ lawyers to defend them. Well, there is another wealthy body also—it is a body that I do not belong to—which may very fairly be set against the organization of the licensed victuallers in the matter of wealth. It is a body over which the hon. Baronet the Member for Carlisle has for many years presided, and if we are merely to admire the wealth that is used to protect us from an increase in the number of public-houses, we may pay as much respect to the body represented by the hon. Baronet as to that on behalf of which the hon. Member for the City of Cork has spoken. For my part, I have never voted for the Permissive Bill. I could not vote for the Bill, nor its details. It contained a cut-and-dried method of dealing with the difficulty that I did not approve of. I therefore listened with great attention to the speech of the hon. Baronet, to see whether he intended to declare for the Permissive Bill and the Permissive Bill only. But there was not a word about the Permissive Bill in it, and I understand that he throws over for the time that measure, leaving it to the Government to take in hand the execution of this Resolution if adopted. I am, under these circumstances, free to give him my support. There is no doubt in my mind on the general question that there are too many public-houses in this country. Only the other day I drove a few miles out of London, and was struck by the enormous number of public-houses on the road, which I may state ran through a very wealthy suburb. There was hardly a moment when we could not see three or four public-houses. For a short distance I do not hesitate to say that there was as many as one public-house to every seven houses on the road. There can be no doubt that that is a state of things that ought to be remedied. Well, Sir, the hon. Member for the City of Cork objects to the Resolution because it is vague and indefinite. I have already said that I think it is deserving of our support, because it does not lay down the exact means by which it is to be carried into execution; but it is in itself definite enough. It clearly affirms that it is desirable to give legislative effect to the Resolution carried by the House in June last. It is true that the hon. Baronet did not say a single word as to the constituency which was to determine whether any, or how many, public-houses should exist or not, and I think that he was well advised in taking that course, because if we pass this Resolution we shall throw on the Government the onus of deciding that question. If the Government is worthy of our confidence in other respects, they are worthy of it in this, and if they once accept this principle of local option they may surely be trusted to put their measures for its execution into the best possible form. Allusion has been made by hon. Members to those estates upon which landlords do not allow public-houses to be erected, and the hon. Member for the City of Cork makes the assumption that the people who reside upon such estates have gone there with a full knowledge of the rules that prevail there, and that they are all teetotallers. But anyone who knows anything of these estates knows that it is by the mere caprice of the landlords that these rules are established; and yet the people on the estates, many of whom have been born there, continue to remain there. They are not necessarily teetotallers, but they remain because they find out the good effect of the rules that have been made by their landlords. But supposing what is said is true—that the people have gone there with a knowledge of the circumstances—that does not touch the Resolution, which simply says that, just as certain landlords have the power of saying what public-houses should be on their property, so the people should have the right of determining what public-houses should be established in their midst. I think it right that some such power should be given. The hon. Member for the City of Cork thinks otherwise, and says that the hon. Baronet did not show any connection between drunkenness and the present system of public-houses scattered over the land. Now, I think that he did show the connection, and that it is perfectly manifest that the more drinking-houses there are, the more people will be tempted to go into them. A man may pass the third, fourth, or fifth house and be tempted into the sixth. The hon. Member also said that the hon. Baronet did not show that the diminution of the number of public-houses would have any tendency to reduce drunkenness. I think that that is merely the converse of the other proposition. If the great number of public-houses has a tendency to promote drunkenness, the diminution of their numbers must have a tendency to diminish it. Then, as to the ratepayers, we were told by the hon. Member for the City of Cork that they would in many cases not be in favour of a decrease in the number of houses. But there is not a word about ratepayers in the present Resolution, and there was not in last year's. If the hon. Baronet had distinctly said that it was the ratepayers alone who were to decide the question, I freely admit that I should not have been inclined to support it. I do not think that the ratepayers necessarily represent the opinion of the people at large. You must find a larger constituency if you are to have local option. I think, indeed, that the proportion for the necessary majority fixed by the Permissive Bill when it was before the House formed one of the most objectionable features of that measure. The hon. Member for the City of Cork, however, desired that the question should be decided only by those interested in the matter, by which he said that he meant the people who use the public-houses. But it would be difficult to find in any given constituency exactly who are the people who use the public-houses, and who are those who do not. But whether that be so or not, the Resolution only enables a constituency to say whether there shall be or shall not be a certain number of public-houses. It says nothing about total prohibition, and there is nothing to show that total prohibition will, of necessity, follow if it be passed. If the hon. Gentleman considers for a moment, he will admit that it is not only the people who use the public-houses who are interested in this question, but also their connections, from whose benefit the money spent on drink is diverted. It is the wife, the sister, the children, the parent who is injured, and altogether the grievance has a wider basis than the hon. Member thinks. Then we are told about the turmoil at elections which will arise if the Resolution be carried into effect; but we were told the same thing when the Ballot Act was introduced. Ballot boxes were to be stolen, polling booths broken into, and all sorts of disorder were to be rampant. A different state of things, however, has been found by experience to prevail, and so it would be at elections to give effect to local option. After one or two of them had taken place, very few people would be anxious to bring in the old state of things. But the hon. Member also told us that it would be doing harm to the few to do good to the many if we passed this Resolution, and it were carried into effect. It is, however, not an uncommon principle in our legislation to make the few give up something that they enjoy in order that the great majority of the people may be profited. Take the case of the railways for example. Where a railway is made, the landlord, where it is necessary, has to give way. He does so upon compensation being awarded to him; and, for my part, I would not support any measure that did not give fair compensation for any injury to vested interests. That compensation, however, should come out of the funds of the localities themselves. It would be for those localities which put down public-houses, because they did not want them, to bear the expense of their action. It is possible that they might not be willing to carry out the powers given to them if they had to pay for exercising them; but that would be their affair. I would not force the carrying out of the principle of this Resolution on the people; I only wish that the people should have the power to settle this matter for themselves, especially if they are willing to pay for it. As I said before, I never voted for the Permissive Bill; but I look on this as a totally different question, and I think that this Resolution may be carried out without in the least introducing the objectionable features of that measure. This is the first time that I have spoken at any length upon this question. I have felt impelled, after having had the honour of sitting in this House for nearly 12 years, to give the reasons why I shall in future support the principle now before us. I support that principle because I consider it is just and equitable, and that its adoption is very greatly desired by those most concerned in the matter—the working people of this country—who suffer most from the vice of drunkenness. I believe that there is a strong and growing public feeling that the time has arrived, when, if possible, this vice should be met by some determined effort on the part of the Legislature. I should not feel justified in opposing such an attempt as that made by the hon. Baronet, who has shown himself ready to surrender his own predilections, and, in the desire to put a stop to the evils he deplores, has been willing to withdraw a Bill which he might fairly have hoped at some time to have had the credit of carrying through this House, in order to obtain the support of the Government of the country, and to allow them, in accepting the principle of local option, to settle upon their own responsibility in what manner the evils of drunkenness ought to be dealt with.

Mr. HICKS said, that it appeared that the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) thought that after so many hours of the day had been devoted to land the evening should be appropriated to water. He (Mr. Hicks) was not there to deny the evils of drunkenness; but, while he was prepared to support any reasonable measure that would contribute to the sobriety of the country, he was not prepared to sanction any Bill that was founded upon the principle of total abstinence. The question was as to how an admitted evil was to be remedied. The hon. Baronet the Member for Carlisle had said that the licensing system was in the hands of an irresponsible body; that this power had been exercised to a great extent, and that drunkenness had resulted; but he had failed to show in what way the magistrates had failed in their duty, nor had he shown how the evils to which he referred were to be corrected. That was especially important, in view of the fact that crimes traceable to the existence of public-houses had decreased since the alteration of the law in 1872, which vested the granting of licences for beerhouses in the magistrates, instead of leaving it to the Excise authorities to grant such licences on the petitions of intending beershop keepers, supported by the signatures of inhabitants of the neighbourhoods in which the beershops were intended to be established. The unpaid justices had been abused for their conduct. Yes; they had been abused whenever this question had been brought forward, though not so much so on this occasion as formerly. In the exercise of that power, the magistrates had proved that they were willing to do all in their power to carry out the intentions of the Legislature, with the result that the evils complained of had very greatly abated. From Returns he held in his hand, it was clear that these attacks on the justices were most unfair, and that the magistrates had enormously decreased the number of licences, and they certainly had done their duty. These Returns showed that, as regarded beer licences granted by ratepayers, there were—

	1864	1865	1866	1867	1868
Bedfordshire .	17	49	51	84	32
Cambridgeshire	63	207	218	283	296
Essex . . .	65	83	118	92	187
Lancashire . .	1,806	1,993	1,957	1,945	1,977
Hants . . .	4	5	3	6	6
Total of England . .	7,855	9,134	10,133	10,576	10,539

[*Interruption.*] He did not catch the words of the hon. Member, but he hoped the following figures would interest him. As regarded new licences granted since the passing of the Act of 1872 by justices for old houses, beershops, and grocers, they found—

	1874	1875	1876	1877	1878
Bedfordshire .	19	3	1	1	1
Cambridgeshire	15	2	0	0	1
,, Grocers					
Essex . . .	9	15	10	5	0
Lancashire .	43	22	25	31	19
Old beershops	33	6	8	0	13
Hants . . .	0	0	0	0	0
Total of England . .	1,069	533	518	512	431

Last year the hon. Member for Scarborough (Mr. Caine) alluded to Liverpool. Well, in 1864, with a population of 450,000, there were 1,937; in 1879 the population was 600,000. The proportionate increase of licences would give, say, 2,500. Instead of that they found a decrease. So much for Liverpool. He thought he had proved conclusively his case in defence of the justices. As regarded the Resolution, intemperance could not be stopped by a penal statute; and he would never be a party, under the cloak of liberality, to strike a blow at the liberty of the subject.

Mr. JOHN BRIGHT: I may remark, Sir, that it is to me very pleasing to find ourselves engaged in a question which, though of great importance, and in which both sides of the House take a great interest, is one we can discuss without heat and without passion. We have nothing to gain by making any mistake upon the question which the hon. Baronet the Member for Carlisle has submitted to the House. Notwithstanding this coolness of temperature, I observe still that the difference of opinion which prevails leads to statements that are exceedingly contradictory. The hon. Members who have spoken on that side of the House have, I think, not dealt fairly with the Resolution of the hon. Baronet the Member for Carlisle. They have treated it as if it contained some grievous, and almost poisonous, element, and they have discussed the question entirely in a manner which, I think, overlooks the fact that we are not now considering the Permissive Bill of past time, but a very simple Resolution, which, I hope, we can all understand. The hon. Member for Cork (Mr. Daly) has drawn rather a fearful picture of the cruelty of allowing majorities to tyrannize over minorities. The hon. and gallant Member for Maidstone (Captain Aylmer) has painted the whole question in very dark colours; and the hon. Member for Cambridgeshire (Mr. Hicks), who has just spoken, has said he would not be found putting his seal upon what he calls total abstinence; but I venture to say that all these observations, for the most part, have no real, just, and accurate reference to the Resolution which is now before the House. The Resolution does not go further than referring, in fact, to the mode of granting licences—that that mode should be in accordance with the wishes and the wants of the people. It binds the House to nothing more than a condemnation of the present system of licensing, and a suggestion of the possibility that a better system may be found. Now, I took this view of the question on the last occasion it was under discussion, and I have always been of opinion that the Permissive Bill of my hon. Friend was, as long as it was before the House, the main obstacle to any progress in what is called temperance legislation. I am of opinion now, as then, that it contained principles and aimed at objections which the House of Commons was not likely, I think, in our time to admit; and, therefore, I did all that I could, both in the House and out of it, to recommend that that Bill should be withdrawn, and that the whole question, in a broader spirit and upon a broader basis, should be offered to the House, in order that we might proceed as we do with regard to other political legislation—that we should proceed by such steps as the necessity and the opinions of the public permitted. Well, that Bill has been withdrawn, and I hope we shall not see it again. But the proposition now submitted to the House is one of a character which I think every Member of the House may support who believes that anything could be done by Parliament to discourage intemperance amongst the people, and, if it be possible, to get rid of what we all feel to be a great disgrace upon the character of a considerable portion of the nation. I do not complain for a moment of my hon. Friend having renewed to-day the Resolution which he brought before the House last year. When he withdrew the Permissive Bill, and brought forward a Resolution in favour of local option, he immediately doubled his vote in this House, and so soon as that question was referred to the constituencies, as it was a year ago, we are all aware that a great advance took place, and when the question was again submitted to the House of Commons there was a considerable majority on both sides in its favour. Well, we are now at this point, that we agreed last year—whether we take the same view to-night I do not know—but the House of Commons last year determined that, in its opinion, the present system of licensing was not a good one, at least, that it was not the best, and that a change might be effected which would be greatly advantageous to the people. We have, then, this Resolution before us, and which reads very much like the one of last year. The general meaning, at all events, may be held to be the same; and it comes to the same decision—that the present system is not the best, and that public opinion, as expressed at the late General Election, and as, I believe, it will be expressed at any future General Election, is in favour of a considerable change in regard to the legislation touching the sale of intoxicating liquors. Although the Resolution, as submitted to the House to-night, is, in effect, quite the same as that discussed last year, I do not make any complaint, because he has asked the House again to affirm what the House affirmed a year ago. My experience in matters of political agitation—and this is, in some sort, a political question—leads me to great charity in dealing with persons who are engaged actively as leaders of political agitation. It is necessary, and it is desirable, no doubt, that gentlemen in that position should seize all fair opportunities of bringing forward the subjects in which they are interested for public and Parliamentary discussion, and it is only with this discussion that you can have a growth of opinion outside, and an advance of opinion inside, the walls of Parliament. Therefore, I do not object at all to the course my hon. Friend has taken in asking us again this year to re-affirm the proposition which he submitted to the House last year; but I am not quite sure that he has not rather a further purpose than this—not to ask us to agree to anything like a Permissive Bill—but he would wish to compel the Government, and I do not mean to use the word compel with an offensive meaning at all—but would like to compel and urge the Government to take up this question, which, he says, cannot be dealt with by a private, independent, and unofficial Member, to take it into their hands and bring it in from this Bench, and it will have a greater chance of passing through Parliament. That is quite true. We all know perfectly well that it has been said that the time of Parliament taken up by independent Members is generally time wasted by independent Members, and is efficiently disposed of by the Government. ["Oh, oh!"] That is not an opinion formed to-day. It is not because I sit here that I say that. I do believe that from the condition of the House, which has been growing worse for many years past, it is almost impossible at the end of the Session to count up anything that has been done except by the help and direct action of the Administration. Now, the Resolution of last year did not bind the Government to any course upon this matter. Members of the Government, as the House will recollect, voted, some in one Lobby, and some in the other. It was not then, and it is not now, in any sense a Party question, and I hope it will never become a Party question. I am quite sure that in a matter of this nature, in which the public are so much interested, in which the morals of the country are so greatly interested, it would be a great misfortune if Party spirit should ever enter into and mar a great work which it would be possible for Parliament to accomplish. I say the Resolution of last year did not bind the Government at all, but was really an expression of opinion on the part of the House. I am not sure that although my hon. Friend has taken out of the Resolution the words to which objection has been made he has calculated, in asking the House to re-affirm the Resolution of last year, that he will bring pressure on the House and the Government to introduce at an earlier period some measure on this difficult question. He knows that in ordinary cases, if the Member who is not a Member of the Administration brings in a Resolution of this or any other kind, and carries it through the House, that he may be expected very soon after to bring in a Bill, and to endeavour to carry the Bill through the House; but carrying a Resolution on a particular evening is a very small labour indeed compared with carrying a Bill through all its stages. Therefore, my hon. Friend shrinks from engaging in what we know to be almost and entirely an impossible task. Then I think the Government is not bound to take charge of any measure which may arise or follow this Resolution. I must insist on this, because, especially in this Session, every Member must perceive that it is absolutely impossible for the Government to deal with a question of this nature. The Session is already blocked by a measure of extraordinary urgency and of extraordinary importance — by a measure which, although many Members of the House have, I doubt not, great doubts with regard to its wisdom in some points, yet, notwithstanding that, there is a feeling in the House that it must be passed, and the sooner it is passed the better it will be, not for Ireland alone, but for the United Kingdom in general. [" Question ! "] An hon. Members says " Question ! " I am only illustrating the position in which we are placed, and arguing that even though the House were to agree to accept the Resolution this year, as it did last year, it would not bind the Government for this Session, or next Session, to introduce any Bill founded upon that Resolution. We shall have as much to do this Session as can be done after that great measure is passed. It may be, for aught I know, that very little else may be done, and that some things which we had hoped for may end in total failure. If nothing is done by the Government and the House this Session, I may say, for the consolation of my hon. Friend, that the question in which he is so greatly interested grows, and continually grows, and it holds out to him a constant promise of future result. But there are two difficulties in the way of the Government, which I should be somewhat disturbed by, if it were proposed at an early period to introduce any Bill upon this question. Any Bill that the Government could introduce, I take it for granted, would meet with considerable obstacles. If it did not give powers, for example, to suppress the traffic in liquor, but only within limits to control it, I am not quite sure that we should have the cordial and earnest support of my hon. Friend the Member for Carlisle. I hope that in the time that may elapse between now and that when any Bill will be introduced, he may in some degree have changed, if not moderated, his views, so that he may, with the great force he has behind him, give support to any Government which may attempt honestly to deal with this question. The other difficulty is the question which has been referred to by the hon. Member for Cork (Mr. Daly), the question of compensation in case public-houses were suppressed, when there had been no breach of the law. I think the hon. Baronet would, on further consideration —in fact, I gathered from what he said that this is so—would not think it absolutely wrong for Parliament to provide some mode by which men who are now engaged in a lawful business should not be deprived of that business without some sort of compensation. These are two points in which I think any Bill brought into the House by any Government would probably differ from the view of my hon. Friend. I should regret very much if the hon. Baronet should feel himself bound, the moment a Bill founded on his Resolution was presented to the House, to rise and say it was a measure which he could not accept or support. If we pass this Resolution to-night, if it be affirmed as the

Resolution was affirmed last year, there will be, in some degree, another step in advance. What it may lead to at present will be mainly this—that we shall gradually come to something more like unanimity in considering this question, and possibly approach a state of feeling which, at some not distant time, may facilitate legislation upon it. But there are several great questions which are blocking the way. Hon. Members have heard that illustration which has been sometimes attributed to me, but which I borrowed from my old friend Colonel Perronet Thomson, that you cannot get six or 12 omnibuses abreast through Temple Bar. We are just in that position now. What are the great questions which the Government will have before long to turn its attention to? There is that introduced by the hon. Member for Cambridge (Mr. W. Fowler), the great question of the Land Laws. There is besides that another question on which, I believe, the Liberal Party, with scarcely any exception, is united, and I suppose there are a great many Members opposite who will not differ—the question of the extension of the county franchise. There is probably also the question of the re-distribution of Parliamentary seats, which may, I hope, lead to general support. Then there is, besides that, another question which presses very much — the municipal government of this great City of 4,000,000 people. Ireland contains 5,000,000, but the Metropolis in which we are now contains 4,000,000, and a greater confusion of government probably never existed in a time of peace in any great city in the world. These are great and pressing questions. I think some of them, at least, are ripe for the consideration of the House, and for being dealt with by Parliament. If the Government is to make a choice, if I were to put it to the House what choice it shall make, it may be that the question of the drink traffic is one of so great difficulty, and for which the public is so little ripe, that it would be injudicious in the last degree to take that before the other questions I have mentioned. I am not arguing against legislation on behalf of the general objects of my hon. Friend. I am arguing so that the passing of the Resolution last year and the re-affirming of it this year must not be understood to be a compelling of the Administration to take up this question and deal with it immediately. If that be the case, and if that be the conclusion to which we come, my hon. Friend has no reason to regret or despair. The hon. Member for Cambridgeshire (Mr. Hicks) told us what a great diminution there had been in the number of licences, although there had been an increase in population, and he argued from that that the magistrates had fairly and honestly done their duty. I do not in the least dispute that; but I say that the reason that there has been that change within the last few years had been mainly in consequence of the great agitation throughout the country, which has been promoted and led, to a great degree, by the hon. Baronet the Member for Carlisle. He may take comfort in this—that, although the House is not prepared, and the Government is not prepared, now to introduce or promote any Bill upon this question, that the movement amongst the people, the discussion of this question going on year after year will create an amount of opinion which will not only compel some Government to deal with this question, but which is necessary to enable any Government to deal with it in a manner that can be effectual and satisfactory. The policy which was pursued on this Bench last year is the policy of to-night. This is in no degree either a Government Resolution, nor is the policy of the Resolution a Government policy. This is a matter on which every Member of the House has a right to form his own opinion, and act freely upon it. I hope, whatever the division may be, it may be a division not influenced by Party, but by a consideration of the circumstances of the time in which we are debating, and of the vast and paramount importance of the great question which my hon. Friend has submitted to us.

Colonel MAKINS said, that there was one advantage which the House had derived from the speech of the right hon. Gentleman the Chancellor of the Duchy of Lancaster, and that was it had got a rough draft of the Queen's Speech, not only for next Session, but for many Sessions to come. But the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) would not derive much consolation from the right hon. Gentleman, for what he said came to this—that the Government could not help him at all, and that he ought to go on agitating and agitating so as to exercise pressure on some future Administration. For his own part, he (Colonel Makins) felt as much the necessity of doing something to put an end to the evils of intemperance as even the eloquent apostle of local option himself. But what he quarrelled with was the hon. Baronet's method of dealing with the evil. He was aware that it took some courage on the part of an hon. Member to say a word against the Motion, because he did so at the risk of being held up in the journal of the United Kingdom Alliance as the advocate of drunkenness and drunkards. Nevertheless, he would express his opinion that the natural result of the division of last year was that the hon. Baronet should have brought in a Bill embodying his views, and then the Government could have said at once whether they approved it or not. The hon. Member for Frome (Mr. H. B. Samuelson) candidly admitted that he supported the Resolution because it was vague. For 12 years the hon. Member had listened to the hon. Baronet, and had not been able to support him; but now the Resolution was so vague he could do so. Hon. Members might, therefore, go back to their constituents and say that they had voted in favour of temperance; but they must see the Bill on the subject before they could say whether they should support it or not. The hon. Baronet had not exaggerated the evils of drunkenness; but he (Colonel Makins) might be allowed to remind him that public-houses were for the use of the public, and not of drunkards, and that for one drunken man who went to a public-house there were 50 sober ones who made a proper use of it. His Motion, therefore, should be directed rather against the drunkards who made a bad use of those places than against the sober ones who did not. It should be used against those who were guilty of intemperance, and not against those who only used their natural right to go to the public-house for their accommodation. The hon. Baronet said that all the crime, lunacy, and poverty of this country arose from drink. Well, the statistics of intemperance in France compared favourably with those of this country; but he did not know that the statistics of crime in France compared so favourably. [*Cries of* "Divide!"] As the House appeared to be impatient for a division, he would only add that, feeling as strongly as the hon. Baronet the evils of which he complained, he did not think the remedy he proposed was likely to be effective, while it would undoubtedly seriously interfere with the liberty of the subject.

Question put.

The House *divided*:—Ayes 196; Noes 154: Majority 42.

AYES.

Agar-Robartes, hn. T. C.
Agnew, W.
Ainsworth, D.
Alexander, Colonel C.
Allen, H. G.
Allen, W. S.
Anderson, G.
Archdale, W. H.
Armitage, B.
Arnold, A.
Ashley, hon. E. M.
Balfour, Sir G.
Balfour, J. B.
Barran, J.
Birley, H.
Blake, J. A.
Bolton, J. C.
Borlase, W. C.
Brand, H. R.
Brassey, H. A.
Briggs, W. E.
Bright, J. (Manchester)
Bright, rt. hon. J.
Broadhurst, H.
Brown, A. H.
Bruce, rt. hon. Lord C.
Bruce, hon. R. P.
Bryce, J.
Buxton, F. W.
Caine, W. S.
Cameron, C.
Campbell, Lord C.
Campbell, Sir G.
Campbell, R. F. F.
Campbell-Bannerman, H.
Carbutt, E. H.
Chambers, Sir T.
Cheetham, J. F.
Chitty, J. W.
Clarke, J. C.
Clifford, C. C.
Cohen, A.
Collings, J.
Colman, J. J.
Corry, J. P.
Cowan, J.
Cowper, hon. H. F.
Cropper, J.
Cross, J. K.
Crum, A.
Cunliffe, Sir R. A.
Currie, D.
Dalrymple, C.
Davies, D.
Davies, W.
De Ferrieres, Baron
Dilke, A. W.
Dilke, Sir C. W.
Dillwyn, L. L.
Dodson, rt. hn. J. G.
Duff, rt. hon. M. E. G.
Dundas, hon. J. C.
Edwards, H.
Egerton, Adm. hon. F.
Elliot, hon. A. R. D.
Ewart, W.
Farquharson, Dr. R.
Ferguson, R.
Ffolkes, Sir W. H. B.
Firth, J. F. B.
Fitzmaurice, Lord E.
Fitzwilliam, hon. C. W. W.
Foljambe, C. G. S.
Forster, rt. hon. W. E.
Fort, R.
Fowler, H. H.
Fowler, W.
Fry, L.
Fry, T.
Gladstone, H. J.
Gordon, Sir A.
Goschen, rt. hon. G. J.
Gourley, E. T.
Gower, hon. E. F. L.
Grafton, F. W.
Grant, A.
Greer, T.
Grey, A. H. G.
Hamilton, J. G. C.
Hastings, G. W.
Hayter, Sir A. D.
Healy, T. M.
Henderson, F.
Heneage, E.
Herschell, Sir F.
Hibbert, J. T.
Hill, Lord A. W.
Hollond, J. R.
Holms, J.
Howard, E. S.
Howard, G. J.
Illingworth, A.
James, C.
James, W. H.
Jenkins, D. J.
Kinnear, J.
Labouchere, H.
Laing, S.

Lalor, R.
Law, rt. hon. H.
Laycock, R.
Lea, T.
Leake, R.
Leatham, E. A.
Leatham, W. H.
Leeman, J. J.
Lefevre, rt. hn. G. J. S.
Litton, E. F.
Lloyd, M.
Lusk, Sir A.
Mackie, R. B.
Mackintosh, C. F.
Macliver, P. S.
M'Arthur, A.
M'Arthur, W.
M'Lagan, P.
M'Laren, J.
M'Minnies, J. G.
Mappin, F. T.
Mason, H.
Massey, rt. hon. W. N.
Meldon, C. H.
Morgan, rt. hn. G. O.
Morley, A.
Morley, S.
Mundella, rt. hon. A. J.
Noel, E.
O'Beirne, Major F.
O'Connor, A.
Palmer, G.
Palmer, J. H.
Parker, C. S.
Peddie, J. D.
Pennington, F.
Philips, R. N.
Playfair, rt. hon. L.
Potter, T. B.
Price, Sir R. G.
Pugh, L. P.
Ralli, P.
Ramsay, J.
Ramsden, Sir J.
Redmond, J. E.
Rendel, S.
Richard, H.
Richardson, J. N.
Richardson, T.
Roberts, J.
Rogers, J. E. T.
Ross, C. C.
Russell, Lord A.
Rylands, P.
St. Aubyn, Sir J.
St. Aubyn, W. M.
Samuelson, B.
Samuelson, H.
Seely, C. (Nottingham)
Shield, H.
Sinclair, Sir J. G. T.
Slagg, J.
Smith, E.
Stafford, Marquess of
Stanton, W. J.
Stewart, J.
Storey, S.
Sullivan A. M.
Summers, W.
Tavistock, Marquess of
Tennant, C.
Thomasson, J. P.
Thompson, T. C.
Tracy, hon. F. S. A. Hanbury-
Trevelyan, G. O.
Wallace, Sir R.
Waugh, E.
Webster, J.
Wedderburn, Sir D.
Whalley, G. H.
Whitworth, B.
Williams, B. T.
Williams, S. C. E.
Williamson, S.
Wilson, C. H.
Wilson, I.
Wilson, Sir M.
Wodehouse, E. R.

TELLERS.
Burt, T.
Lawson, Sir W.

NOES.

Amherst, W. A. T.
Bailey, Sir J. R.
Barttelot, Sir W. B.
Bass, A.
Bass, H.
Bass, M. T.
Bateson, Sir T.
Beach, W. W. B.
Bentinck, rt. hon. G. C.
Biddell, W.
Birkbeck, E.
Blackburne, Col. J. I.
Blennerhassett, Sir R.
Boord, T. W.
Bourke, rt. hon. R.
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. St. J.
Brooks, M.
Brooks, W. C.
Bruce, hon. T.
Burghley, Lord
Burnaby, General E. S.
Burrell, Sir W. W.
Buxton, Sir R. J.
Callan, P.
Cavendish, Lord F. C.
Cecil, Lord E. H. B. G.
Clarke, E.
Clive, Col. hon. G. W.
Cobbold, T. C.
Coddington, W.
Collins, E.
Collins, T.
Commins, A.
Compton, F.
Cotton, W. J. R.
Courtauld, G.
Crichton, Viscount
Davenport, H. T.
Davenport, W. B.
Dawnay, Col. hn. L. P.
De Worms, Baron H.
Dickson, Major A. G.
Digby, Col. hon. E.
Dixon-Hartland, F. D.
Donaldson-Hudson, C.
Douglas, A. Akers-
Dyke, rt. hn. Sir W. H.
Ecroyd, W. F.
Elcho, Lord
Emlyn, Viscount
Estcourt, G. S.
Ewing, A. O.
Fawcett, rt. hon. H.
Feilden, Major-General R. J.
Fellowes, W. H.
Fenwick-Bisset, M.
Filmer, Sir E.
Finch, G. H.
Fletcher, Sir H.
Floyer, J.
Foster, W. H.
Fowler, R. N.
Fremantle, hon. T. F.
Galway, Viscount
Garnier, J. C.
Gladstone, rt. hn. W. E.
Goldney, Sir G.
Gorst, J. E.
Grantham, W.
Greene, E.
Gregory, G. B.
Grosvenor, Lord R.
Hamilton, right hon. Lord G.
Hay, rt. hon. Admiral Sir J. C. D.
Hicks, E.
Hill, A. S.
Holland, Sir H. T.
Hope, rt hn. A. J. B. B.
Jackson, W. L.
Johnson, W. M.
Kennard, Col. E. H.
Kingscote, Col. R. N. F.
Knight, F. W.
Knightley, Sir R.
Lawrence, Sir T.
Leamy, E.
Lechmere, Sir E. A. H.
Lee, Major V.
Leigh, hon. G. H. C.
Leighton, S.
Lennox, Lord H. G.
Levett, T. J.
Lewisham, Viscount
Lindsay, Sir R. L.
Long, W. H.
Lowther, hon. W.
Lyons, R. D.
Macartney, J. W. E.
Mac Iver, D.
M'Garel-Hogg, Sir J.
Makins, Colonel W. T.
Master, T. W. C.
Maxwell, Sir H. E.
Miles, Sir P. J. W.
Morgan, hon. F.
Moss, R.
Murray, C. J.
Newdegate, C. N.
Nicholson, W.
Nicholson, W. N.
Nolan, Major J. P.
Northcote, H. S.
O'Brien, Sir P.
Onslow, D.
Paget, R. H.
Percy, Earl
Phipps, C. N. P.
Phipps, P.
Powell, W.
Price, Captain G. E.
Puleston, J. H.
Pulley, J.
Rankin, J.
Ridley, Sir M. W.
Ritchie, C. T.
Ross, A. H.
Rothschild, Sir N. M. de
Schreiber, C.
Sclater-Booth, rt. hn. G.
Scott, Lord H.
Scott, M. D.
Seely, C. (Lincoln)
Shaw, W.
Smith, A.
Smith, rt. hon. W. H.
Smyth, P. J.
Talbot, J. G.
Thornhill, T.
Tollemache, H. J.
Tollemache, hon. W. F.
Torrens, W. T. M'C.
Tottenham, A. L.
Walpole, rt. hon. S.
Warburton, P. E.
Warton, C. N.
Whitley, E.
Wiggin, H.
Wilmot, Sir H.
Wolff, Sir H. D.
Wortley, C. B. Stuart-
Wroughton, P.
Yorke, J. R.

TELLERS.
Aylmer, Capt. J. E. F.
Daly, J.

SUSPENSION OF EVICTIONS (IRELAND) BILL.—MOTION FOR LEAVE.

MAJOR NOLAN, in rising to ask leave to introduce a Bill to suspend evictions in Ireland, said, the object of the Bill was to suspend evictions until the passing of the Land Bill. The date fixed upon was the 1st of October, and he proposed to prevent ejectment processes being carried into execution until the Land Bill became law. The measure which he submitted to the House was a very moderate one, and it would only apply to those who paid up six months' rent within 14 days of the passing of the Act. He did not intend to make a speech. He only wanted to state what the Bill was, and he would merely say that a very extraordinary thing had been done in blocking this Bill. The hon. and gallant Member concluded by asking leave to introduce the Bill.

Motion made, and Question proposed,

"That leave be given to bring in a Bill to Suspend Evictions in Ireland for a limited period, on payment of six months' rent."—(*Major Nolan.*)

SIR H. DRUMMOND WOLFF said, he did not intend to oppose the hon. and gallant Member; but it appeared to him extraordinary that a Bill of this kind should be brought in while the Land Bill was going through, without the Government taking any part in the discussion. The proposed Bill affected the whole of the interests of landlords in Ireland; and yet the Government were allowing it to pass *sub silentio*. In order that the Government might express some opinion upon the Bill satisfactorily, he would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Sir H. Drummond Wolff.*)

MR. HEALY thought the course taken by the hon. Gentleman an extraordinary one, for he asked the Government to express an opinion upon a Bill which had not been printed. He was glad, however, that the hon. Gentleman had taken that course, for it showed that the Tory Party wanted to see the present state of things carried to a pass which it was likely to arrive at. The Bill was a very moderate one; but the Tory Party, who expressed great interest in the welfare of Ireland, now proposed to adjourn the debate. If they were anxious to improve the state of affairs in Ireland they should allow the Bill to be introduced.

MR. LITTON hoped the Motion would be withdrawn, observing that it was because there was a Land Bill before the House that this Bill was necessary. It was merely a measure for tiding over a short period, and he hoped it would be brought in.

MR. T. COLLINS trusted his hon. Friend would not persist, and mentioned that the Rule of the House used to be that unless a Bill had been thrown out in a previous Session, its introduction was allowed in order that the country might be informed of the nature of the proposals submitted. If a Bill had been before the House Session after Session, and the House had refused, by large majorities, to pass it, then the House exercised a wise discretion in not allowing it to be brought in; but when a Bill was introduced for the first time it was unfair not to allow it to be printed. In "another place," he believed that would be done as a matter of course. When the Bill had been printed the House would probably see no more of it.

MR. GLADSTONE said, he did not think the House would be generally of opinion that it was the duty of the Government to charge themselves with the conduct of this matter in such a sense as to exclude any other Member from undertaking it. So far as the Government were concerned, he was distinctly of opinion that unless the urgency were of a higher order, and the remedy were of the clearest character, it would be most unwise for the Government, during the arduous discussion of the Land Bill, to charge themselves with another collateral measure; and he was sure the measure would be more dispassionately considered when proceeding from the hon. and gallant Member than if it were proposed by the Government, when it would assume much more the character of a Party matter. As to the vote to be given, the Government had not yet considered the course they would take; but he hoped no resistance would be given to the introduction of the Bill. The hon. and gallant Member not only spoke with the authority of an Irish Member, but with the countenance of a large number of the Irish Members. The House would not be committing itself to final approval, but simply to the view that there was nothing in the Bill to exclude it from the ordinary procedure. That the Bill was entitled to deliberate and careful consideration he did not doubt. He was not prepared to give a final opinion upon it; but it was evident that it aimed at meeting a great difficulty, and also that the hon. and gallant Member had framed it with studious care in order not to provoke unnecessary opposition. That being the case, he hoped the House would concur in the view that the hon. and gallant Member ought to be allowed to introduce the Bill.

Mr. W. H. SMITH said, he thought that after the remarks of the right hon. Gentleman the hon. Member for Portsmouth (Sir H. Drummond Wolff) would do well to withdraw his Motion. It was desirable that the House should see what the hon. and gallant Member proposed on this subject.

Lord ELCHO observed, that Bills were not always allowed to be brought in and printed; on the contrary, he had known many divisions to be taken on the proposal to introduce a Bill, and so to economize the time of Parliament. The right hon. Gentleman (Mr. W. H. Smith) appeared to have no idea what the Bill proposed; but he should have thought, from what took place last year and from what was on the Notice Paper, there could be no doubt as to the character of the Bill. It was a Bill to suspend evictions. The Bill of last year was brought in to meet cases of real distress, and after the hon. and gallant Member (Major Nolan) proposed a clause in the Compensation for Disturbance Bill to suspend evictions, the Government themselves brought in a Bill with that object, and all the row that occurred last year about disturbance and evictions resulted from that. The same game was being played now. The Prime Minister had not said one word against the Bill; on the contrary, arguing from what he had said, he would rather favour it. Therefore, nothing would surprise him (Lord Elcho) less than that the Government should find it right to take up the Bill themselves.

Mr. A. M. SULLIVAN regarded it as a happy omen that no Irish Members, although there were some of strong Conservative opinions, and some landlords, had opposed the introduction of the Bill; and he did not despair of seeing the war between the landlords and the tenants of Ireland ended. If this Bill did not pass he should like to see the Irish landed gentry agreeing to some similar measure by which, while the Government Bill was passing, tenants should be secure, so that the discussion of the Bill might not be accompanied by harrowing scenes in Ireland. Fighting to the last moment for justice to the Irish tenants, he would urge his countrymen to reach out their hands to meet any compromise of an equitable character from the landlords.

Captain AYLMER agreed with the remarks of the hon. Member for Knaresborough (Mr. T. Collins) as to the old custom; but he thought the hon. Gentleman the Member for Portsmouth (Sir H. Drummond Wolff) had done good service in moving the adjournment of the debate, because the title of the Bill was of an exceptional character and conveyed imputations of such a nature that the Government ought to refuse the Bill. It implied that evictions were on the increase, by the injustice of the landlords. He believed that they were not increasing, and the imputation was a gross calumny on the landlords. The hon. Gentleman was therefore quite justified in his Motion.

Mr. R. N. FOWLER reminded the Prime Minister of the doctrine laid down by himself at the beginning of the Session of 1869. A Bill was introduced by Lord Bury to relieve Members who accepted Office under the Crown from having to seek re-election, and the right hon. Gentleman laid down the principle that when there was any doubt about a Bill, when it involved any details, it was proper to permit its introduction; but that when there was no question of details, when the object of the Bill was perfectly obvious, then it was Constitutional to oppose its introduction. [Mr. Gladstone assented.] He was glad to see the right hon. Gentleman assented to the accuracy of his recollection of the doctrine he then laid down.

Colonel MAKINS also agreed that a first reading was in ordinary cases given to a Bill as a matter of courtesy; but there were exceptions to that rule, and this he took to be one of the exceptions which clearly came within the definition laid down by the Prime Minister. When it was clear from the title that the object of a Bill was to overturn the rights of certain members of the community, then it was quite open to the House to oppose its introduction. That was the case with this Bill, which assumed that evictions were being carried on in Ireland unfairly. Either the landlords were evicting according to the law, or they were not; but this Bill proposed to alter the law in favour of the tenants at a time when there was a Bill before the House dealing with the whole subject. He, therefore, hoped the hon. Member for Portsmouth would not withdraw his Motion.

SIR H. DRUMMOND WOLFF said, he had not intended to oppose the Bill itself, and, in deference to the remarks of the right hon. Gentleman (Mr. W. H. Smith), who was the father of the 12 o'clock Rule, and the hon. Gentleman (Mr. Collins), he begged to withdraw his Motion. ["No, no!"]

Question put.

The House *divided*:—Ayes 26; Noes 148: Majority 122.—(Div. List, No. 250.)

Original Question put, and *agreed to*.

Bill *ordered* to be brought in by Major NOLAN, Mr. PATRICK MARTIN, Mr. HEALY, Mr. MITCHELL HENRY, Mr. A. M. SULLIVAN, Dr. KINNEAR, Mr. SEXTON, Mr. MOORE, Mr. BIGGAR, and Mr. LITTON.

Bill *presented*, and read the first time. [Bill 188.]

ORDERS OF THE DAY—THE NOTICE PAPER.—QUESTION.

MR. HEALY rose to a point of Order. He saw the following Orders on the Paper:—Ways and Means, Committee; Local Courts of Bankruptcy (Ireland) [Salaries, &c.]; Report thereupon; and Post Office (Land) Bill; As amended to be considered. These Orders were down for the Morning Sitting which terminated at 7 o'clock, and there was no time with Mr. Speaker in the Chair, before the suspension of the Sitting, for Notice to be given in order to have the Orders put down for the Evening Sitting. When Mr. Speaker was not in the Chair no Notices could be received by the Clerks at the Table. He wished to know, therefore, how these three Notices got on the Paper? He did not object to them, but simply asked as a matter of Order.

MR. SPEAKER stated that the Orders of the Day were postponed from the Morning Sitting to the evening in pursuance of a Resolution of the House.

ERNE LOUGH AND RIVER BILL.

Ordered, That the Select Committee on the Erne Lough and River Bill do consist of Five Members, Three to be nominated by the House, and Two by the Committee of Selection:—Mr. JOHN HOLMS, Mr. GIVAN, and Sir HERVEY BRUCE:—Power to send for persons, papers, and records; Three to be the quorum.—(*Mr. John Holms.*)

WAYS AND MEANS.

Considered in Committee.

(In the Committee.)

Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1882, the sum of £1,023,327 be granted out of the Consolidated Fund of the United Kingdom.

Resolution to be reported *To-morrow;*

Committee to sit again *To-morrow*.

House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, 15th June, 1881.

MINUTES.]—WAYS AND MEANS—*considered in Committee*—*Resolution* [June 14] *reported.*

PUBLIC BILLS—*Ordered*—*First Reading*—Court of Bankruptcy (Ireland) (Officers and Clerks)* [189].

Second Reading—Patents for Inventions [15].

Committee—*Report*—Sale of Intoxicating Liquors on Sunday (Wales) [3]; Consolidated Fund (No. 3) *.

Considered as amended—Local Government Provisional Orders (Askern, &c.)* [152].

Third Reading—Elementary Education Provisional Order Confirmation (Clay Lane)* [181]; Petty Sessions Clerks (Ireland)* [41], and *passed.*

Withdrawn—Summary Jurisdiction (Ireland) [33].

ORDERS OF THE DAY.

PATENTS FOR INVENTIONS BILL.

(*Mr. Anderson, Mr. Alexander Brown, Mr. Hinde Palmer, Mr. Broadhurst.*)

[BILL 15.] SECOND READING.

Order for Second Reading read.

MR. ANDERSON, in moving that the Bill be now read a second time, said, he wished to disclaim the idea that this was a mere inventor's Bill. It was an inventor's Bill, no doubt; but it was far more for the good of the public than it was for the good of inventors. To his mind, the good of inventors and the good of the public was in this matter more or less identical. It had been too long the practice to treat inventors as a body who were hostile to the interest of the public. They had been considered parties who were fleecing the public and levying black-mail upon them for the use of their inventions; and it had been thought that if the inventors could be deprived of this profit by a heavy tax the public would get the benefit of many inventions free. Thus there had been a system of repression practised towards inventors by means of the heavy taxation that had been laid upon their brains. If this taxation were the means only of weeding out useless and frivolous inventions there might be something to be said in its favour, or if it were the means of driving out the most profitable patents—those that the patentee took most money from the public for—there might be something to say in justification of it. But the case was exactly the opposite of all that. The patent that was really profitable to the possessor, and was taking a great deal of money from the public, was able to pay the heavy tax put upon it, and therefore it would not be freed to the public by taxation. It was in reality inventions that were incomplete, imperfect, or useless that were thrown open to the public by means of this taxation. Taxing inventions heavily practically suppressed inventions, or drove them out of the country. It simply taxed brains, and brains in any other thing were not considered a proper subject for taxation. No doubt it had been said, and with a certain amount of plausibility, that it was a perfectly fair thing if we conferred the privilege of monopoly upon an individual by giving him patent rights, that individual ought to pay for the privilege of monopoly so conferred upon him. But though that was a very plausible view of the matter, it was a very narrow and insufficient one. If a patentee was fortunate—and he was sorry to say that very few of them were—the patentee had to pay Income Tax and other taxes upon the profits that he drew from the public through his invention, and therefore there was no ground for laying on an additional tax upon him. But the benefit to the community in having an abundance of inventions in the country was infinitely greater than any benefit the community could possibly derive from any amount that could be got by the tax upon patents. Another argument in favour of this heavy tax was that it weeded out useless inventions which were said to bar the progress of invention; but that was a theoretical objection to cheap patents, and not a practical one. The best proof he could give of this was that in America, where they had only one payment at the beginning, there was no process of weeding out by tax; and yet they did not find there that invention was barred by the existence of patents that ought to be weeded out by the imposition of a tax. There was a natural weeding out of useless patents, and that was by the public not appreciating them, and therefore not paying for them. That was quite a sufficient weeding out for any practical purpose. But even if weeding out were required, a very much lower amount of taxation than the present periodic payments would be quite abundant for the purpose of doing it, and this striving for the weeding out of useless inventions, for protecting the public against inventions that were supposed not to be of value to the public, might very easily be carried a great deal too far by a paternal Government. If it were thought fit to give examiners the power to weed patents, the result might be that many very valuable patents might be refused. In Prussia the Bessemer process, and in Germany the Siemens process, had in that way been refused patents. It was a far less evil to the public to have any number of useless inventions slowly dying a natural death than it was to stifle new ideas and new inventions and prevent the country from having them at all. It was for the interest of the country to stimulate the inventive genius of the people to the utmost, to give the working men in the country the habit of inventing, the habit of thinking while they were at work in order that they might benefit themselves by improving their machines and the processes under which they were working. If every intelligent working man had that idea strongly before him—as every working man had in America—that he could by improving his processes derive great benefit for himself, an enormous amount of good would be done to the manufacturing industry of the country. Now, the spirit in which this Bill was drawn was that the interest of the public and the interest of the inventors ran in parallel lines; that the manufacturing industry of the country required the utmost amount of inventiveness that could be drawn from the brains of its people, and that that inventiveness could only be got by treating inventors in a liberal spirit, and rewarding them in the best way that could be done. They had been, he thought, far too slow to recognize this fact. Other countries had recognized it much sooner; but of all countries America had been the first to take a broad and enlightened view that invention was not a proper subject from which to draw revenue for the country. The American idea was that the Patent Office should pay its own costs; but it should do nothing more—that every penny beyond that that was taken from inventors was really doing a permanent injury to the country by suppressing invention. America had reaped its reward; a few days ago the Prime Minister described how American agriculture was stimulated and assisted by the perfection of its labour-saving appliances. That was perfectly true; but the same thing was true as regarded every other industry in America which was assisted by labour-saving appliances and by the most ingenious tools to an extent that we knew nothing of in this country. All that was the fruit of a liberal Patent Law. In America they granted a patent lasting 17 years for the small charge of $35. We in this country gave a patent which lasted only 14 years, and we charged for it $875, or, in other words, twenty-five times as much for a less valuable privilege. Now, labour-saving appliances were generally small things. They could not afford to pay a large tax. Our heavy tax killed them or suppressed them. They might afford to pay a tax of £7, as in America; but they could not afford to pay £175, as they were required to do in this country. We simply, therefore, did not get them, and America did. But, whether in great or in small inventions, America had undoubtedly beat us hollow. It might be said that in drawing a contrast with America he was taking an extreme case; but there were good reasons for taking America as a proper contrast to make with this country. The American people were the same race as ourselves—had the same blood and the same brains—and they might be fairly supposed to have the same amount of inventive genius. Why, then, should it be that in America invention was stimulated so much more than in our country? In America, with a charge of £7 for a patent, they granted about 15,000 patents per annum; while we in this country, with our high charge, could only give about 3,300 in the year. Could there be any good reason why Americans were more inventive than we were? He failed to see any except the liberality of their Patent Laws. Then the low charge in America abundantly paid the cost of the Patent Office. They did not aim at a revenue from it, but it gave them a surplus of about £30,000 a-year; and they were now actually proposing to reduce this charge of £7 still further. The Americans found that £7 was an unnecessarily high tax, and, knowing the wisdom of not making such a tax more than was absolutely necessary, they were recommending that it be reduced from what it was at present. But while the small tax paid the cost of the Patent Office, it had to be remembered also that the establishment in America was a very different thing from the patent establishment here. The Patent Office in Washington was one of the finest public institutions in America, as it ought to be in a manufacturing country; but we had a wretched old building in Chancery Lane, and a few models in Kensington Museum. We were altogether behind, notwithstanding our immensely high charge upon our patentees. It hardly needed saying that America beat us hollow. If we glanced over a number of the most important inventions of modern times we should find that they had all come from America. The sewing machine, the knitting machine, the type-setting machine, the telephone, the microphone, the phonograph, the electric light, nearly all the most valuable inventions in electricity in modern times had come from America; and down through the whole gamut of inventions to the very smallest, such as mousetraps and apple-peelers, and those thousand and one "American notions" that we now saw sold in the great many shops that had been established of late years amongst us, they all came from the other side of the Atlantic. In cutlery and machinery the Americans were able to beat us. They were able to come over here and buy the raw material, to pay freight upon it, and a duty in America of some 30 or 35 per cent, to take the material to their manufactories, to pay higher wages to their workmen than we did, to pay freight on the manufactured goods to this country, and when all was done to actually undersell our own manufacturers at home. He asked how that could be done, and when he looked into the matter he could not find any ostensible reasons for this superiority except two. One was the greater skill and the greater intelligence of the American workmen, and the other was the superior tools and labour-saving appliances and machinery which they possessed and which were got entirely through the liberality of their Patent Laws. But other countries were following the American example. In Germany, the initial payment was £1 10*s.*; in Austria, £10; in France, £4; in Belgium, 8*s.*; in America, £7; and in Great Britain, £25. The next payment in this country was at the end of three years. At that time the inventor, including the previous payment, had paid in Germany, £16 10*s.*; in Austria, £10; in France, £7 16*s.*; in Belgium, £4; in America, still only the £7; and in Great Britain, £75. At the end of the third year the British inventor had paid 10 times the amount that the American inventor had paid. Our next periodical payment was at the end of the seventh year. In Germany the inventor had by that time paid £71 10*s.*, including, of course, the former payments; in Austria, £30; in France, £32; in Belgium, £14 8*s.*; in America, still only the first £7; and in Great Britain, £175. From these figures it was impossible not to see why it was that inventive genius was not stimulated in our country as it ought to be. He would now endeavour to describe the principles he had attempted to follow in this Bill. The first principle was, that there ought to be paid Commissioners to do the work, instead of leaving it as at present to the Law Officers of the Crown—the Attorney General, the Solicitor General, the Master of the Rolls, and the Lord Chancellor. He did not wish to say one word against any of these very able men; but they had other and far more important functions to perform, and to give them the Patent Office to look after was to make the Patent Office secondary work for them. Therefore it was that the work could never be well done. He knew he should be told that the Master of the Rolls was paying greater attention to the Patent Office than was ever given it before, but that was merely exceptional, and the work was still not the chief work of the Master of the Rolls. What was wanted was to have Commissioners put in charge of the Patent Office who would have it as their duty to manage and organize that Office somewhat on the principle of the American Patent Office, to make the registers and bring them into a state of completeness very different from what existed at present. He should be told that great improvements were going on. He was aware that at the beginning of the year six new index clerks were appointed. They were very much needed; but a small tinkering of that kind was not what was wanted here. What was required was a fundamental change, and, above all things, what was wanted, and what had been included in perhaps every Memorial that had come to the House, was the making it the responsible duty of a responsible man to take entire charge of the Office. He did not think that could be done in any other way than by appointing, if not, as in America, five, in the meantime at least one Commissioner to take charge of the establishment. The next principle of the Bill was to extend the period during which patents should exist from the present period of 14 years to 21 years. There was a general consensus of opinion that 14 years was too short. There might be some difference of opinion as to whether 21 years was the proper extent to go to. His own opinion was that 21 years was the best period; but, at all events, he held that no shorter term than the American term of 17 years should be for one moment listened to. Fourteen years was quite insufficient in most cases to enable an inventor to develop his patent and to get any real good out of it, and, therefore, there ought to be some considerable extension. He might be told that it was possible now to get an extension beyond the period of 14 years; but it was an extremely costly and difficult process. Twenty-one years might be unnecessary for some patents; but it was very difficult to draw the line and say which patents it was too long for and which it was not; and, therefore, he thought the simpler plan was that whatever term of extension was adopted there should be a uniform term applying to all patents. The next principle in the Bill was that whatever change was made in the terms under which new patents were to be got, all patents in existence at the time should at once enter upon the new state of things, and get the benefit of the new changes for the remainder of their existence. That, he thought, did not require to be argued; it was so plainly a matter of justice that he did not think it would be disputed. The next point was that there should be some term of grace for the payment of the periodic payments. The House would hardly believe that at present, with long intervals of time between the periods when the periodic payment became due, if the inventor failed to remember the day, and omitted to pay on the very day, his patent immediately lapsed. The patent agents were very careful to remind the patentee of the day of payment; but he heard of a case the other day in which a patent on which about £6,000 had been expended, became void through the patent agent neglecting to inform the patentee of the day when the periodic payment fell due, and nothing short of a Private Act of Parliament could restore it. He thought that was a case of extraordinary hardship and injustice, and he therefore proposed to allow a term of grace in which, by the payment of a smart fine, the patentee should still be able to retrieve his patent even if he forgot the day. If it did not exceed three months, he proposed he should pay an additional fourth of the tax; if it exceeded three, and was under six months, that he should pay a half; and if over six, and under nine months, that he should pay three-fourths; over nine and under twelve months, that he should pay double the fee. That gave him a whole year of grace; and if he neglected it for a whole year, there could be no great hardship in allowing the patent to lapse. Then came, perhaps, the chief principle of the Bill—that as to the reduction of fees. He wished to say upon this point that the scale of fees that he had put into the Bill was by no means the reduction that ought to be made. It was only a small step in the direction of reduction. He would expect, if this were carried, it would be successful in far more than paying the costs of the Patent Office, and he should expect that there would be then a further reduction. It was a mere tentative reduction that he proposed; but he was certain that no smaller reduction than he proposed would be sufficient as a first step. Anything short of it would not be accepted by the inventors, and it would not be reasonable to expect them to do so. He had kept in view the important point of lightening the payments as far as possible in the earlier stages, so that the patentee might have time to develop his invention before he was asked to pay much for it. Besides the £25 paid up to the time of sealing, at present an inventor was made to pay £50 at the end of the third year. There was hardly any invention that had returned any profit, or that had been properly developed by the end of the third year. That third-year payment was a killing thing to inventors; and, whatever scale of fees was adopted, there ought to be no payment whatever beyond the initial payment till six or seven years had elapsed. Any money the inventor had ought to be left free for the development and improvement of his patent, and ought not to be taken from him by a tax. Taxes at a further stage were much less objectionable, and at that stage he had not attempted to make the reduction so great. He had proposed moderate payments at the 7th and 12th years; and if the patent extended beyond 17 years, he proposed that there should be a further payment at that time also. The next important point in the Bill was the extending of the provisional protection from six months to one year, and the making the date of the patent ultimately depend upon the date of the application. On a casual reading of the Bill it might be thought that this was not important, but it was of the utmost importance. For instance, one inventor put in an application for a patent, and he got a six months' provisional order. During the currency of these six months, perhaps a month after, somebody put in an application for a similar patent. A race took place between the two applicants, and if the second applicant contrived to get his final specification completed before the other, and got sealed first, he robbed the first man of his patent altogether. That, he thought, was a gross injustice, and one which had been severely felt by inventors. He therefore thought that in any amendment of the law it ought to be so made that the original inventor would have the benefit of his invention. The other points of the Bill were of less consequence. One was that additions and improvements to the patent should be allowed at half the price, and that they should go along with the patent itself, so that when the patent ended, the public might get not only the original, but all the improvements also. They would have a shorter term than the original, which was the reason for giving them at half-price. Another point was that servants of the Crown might have patents, provided that they were not in the Patent Office or connected with it. He did not lay much stress on this provision; but he thought it was a very fair proposal. It was a hard thing that, because a man was the servant of the Crown, he should not have the benefit of any inventive genius he might have. Another provision was that in the cases in which the Crown took the use of an invention the Crown should not be the sole decider as to the value of the invention, and what the remuneration of the patentee should be, but that it should be left to arbitration to decide on these points. These, then, were the provisions of the Bill. They embraced nine amendments of the law, and were all important, although they did not include all the amendments that might be made on the existing law; but they included so many that he believed if the inventors got these they would be content, and the country would be greatly benefited. Any improvement upon the Patent Laws must follow something like these lines in order to be satisfactory. Very likely he would be told that he was aiming at too much, and that this was too great a subject for a private Member to legislate upon. He could only reply to that, that all great subjects were private Members' questions generally before they became Government ones, and he should be only too happy to see the Government take it up. He was quite aware they could do it a great deal better than he could; but if they intended to take it up, they must take it up in a liberal spirit. They expected from a Liberal Government a liberal measure of reform on this question. They must not enter upon it in a peddling spirit. They did not want peddling changes. They were offered three different Bills by the late Government, and they were all peddling amendments. They were all so insufficient that he would recommend the right hon. Gentleman on the Treasury Bench (Mr. Chamberlain) to take those three Bills and hold them up before him as an example of what to avoid. Certainly such small changes as were contained in those Bills would never be accepted; and if the present Government attempted to pass a Bill on such small lines they would assuredly fail. The matter of fees especially must be dealt with in no grudging fashion. It must not be done in a higgling way, as though they were trying to see how small a reduction they could possibly get off for. The Government had abundant margin to go upon. The Estimates for the Patent Office this year were £183,800 of revenue, while the costs amounted to £29,438. There was thus estimated for the current year a surplus of no less than £154,362. This sum represented a tax of £150,000 upon the brains of inventors. There was abundant margin to work upon in order to make a large reduction on the cost of patents, and still have abundance to meet the costs of a properly-organized Patent Office. The American revenue from patents on their low charge was £140,000, while the cost of their Patent Office was £110,000. They would observe the difference between the cost of the two Offices. What did it mean? It meant that the American Patent Office was infinitely better done than ours. It was on a scale worthy of the country, while ours was on a scale utterly unworthy. Therefore, if the Government intended to take up this question, he would strongly urge upon them to make the reduction in fees a free and liberal one, because nothing else would satisfy inventors. And what was of infinitely greater consequence than satisfying the inventors—because that he looked upon as a merely secondary matter—nothing else would really stimulate the inventive genius of the country, and give the manufacturers of the country that abundance of invention which was necessary to keep up our position among the manufacturers of the world. He begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Anderson.*)

Mr. DILLWYN, in moving that the Bill be read a second time that day six months, said, he agreed with much that had been stated by his hon. Friend the Member for Glasgow; but he took an objection to the Bill in its present form, which he deemed fatal. As to the desirability of lowering the patent fees, he was willing to have them even lower than the hon. Member for Glasgow proposed. He did not, however, agree in the view that the Patent Law of this country should be assimilated to that of America. He was quite willing to admit that the Americans were beating us in invention, as in many other things besides; but he apprehended that was due as much to the character of the people as to the state of the Patent Laws. He opposed the Bill for several reasons. There were two parties concerned in this matter. This was an out-and-out inventors' Bill, and did not sufficiently safeguard the interests of the public. That was his great objection to it. He disputed the theory that the interests of inventors and those of the public went side by side. He contended that the interests of the public were different, and not the same. But the provision which chiefly challenged opposition was the proposal to give all inventors a monopoly of their inventions for 21 years. The public, he maintained, ought not to be excluded for so long a period from the benefit of an invention for which they had to pay. Twenty-one years ought not to be the normal time for which patents would be granted. In the majority of cases, the cost of invention being very little, it would not be fair to the public to grant a monopoly for more than 14 years. He was willing to extend the period to 21 years in the case of inventions on which much capital should have been spent, or in which great difficulties should have been experienced; but such an extension of time ought to be the exception and not the rule. He quite agreed that the fees exacted from inventors might be lowered advantageously, and that a change in the administration of the Patent Office might have good results; but he was so averse from the proposal to give inventors a monopoly for 21 years, that he felt constrained to move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."—(*Mr. Dillwyn.*)

Question proposed, "That the word 'now' stand part of the Question."

MR. CHAMBERLAIN said, that having an engagement elsewhere very soon, he proposed at once to state the view he took on the question which had been brought before the House by his hon. Friend the Member for Glasgow (Mr. Anderson). In the first place, he was very sensible of the importance rightly attached to this question; and everyone who had the honour, which he shared with the hon. Member for Glasgow, of representing a large manufacturing constituency, knew how keenly the present state of the law was felt as an injustice, especially by the working class inventors. He was inclined to think that this feeling had been growing very considerably of late years. His hon. Friend was well aware that a few years ago there was a very strong feeling, held not merely by theorists and political economists, but also by many representatives of the manufacturing interest, against patents altogether. In 1865 a very strong Commission was appointed by the then Government in order to consider the whole of this matter. Among the Members composing it were Lord Hatherley, Lord Overstone, Chief Justice Erle, Lord Cairns, and Mr. Justice Grove. Now, although they did not recommend the absolute abrogation of the Patent Law, it was quite evident that they became strongly impressed in the course of their inquiries with many objections attaching to the law. In their Report they said—

> "While, in the judgment of the Commissioners, the changes above suggested will do something to mitigate the inconveniences now generally complained of as incident to the working of the Patent Laws, it is their opinion that these inconveniences cannot be wholly removed. They are, in their belief, inherent in the nature of a Patent Law, and must be considered as the price which the public consent to pay for the existence of such a law."

He was inclined to believe that the chief objections to the Patent Law were two. In the first place, the monopoly rights afforded by patents were not really enjoyed by the inventors themselves, but by capitalists or middlemen, not the real inventors—the most deserving of reward. That this was so was in part the consequence of the greatest defect of the existing law—namely, the exaction of excessive fees, especially those charged in the initiatory steps for taking out a patent. The fees were so high that a poor man was almost compelled to have recourse to the resources of the capitalist, who, of course, expected to derive some benefit from the transaction. The second objection to the present law was a still more serious one, and one which the House must take into consideration. It was that the progress of invention was to a large extent retarded by the existence of previous obstructive or frivolous inventions. The Commissioners in their Report said—

> "The majority of witnesses, however, decidedly affirm the existence of practical inconvenience from the multiplicity of patents. It is clear that patents are granted for matters which can hardly be considered as coming within the definition in the Statute of Monopolies of 'a new manufacture.' It is in evidence that the existence of these monopolies embarrasses the trade of a considerable class of persons, artizans, small tradesmen, and others, who cannot afford to face the expense of litigation, however weak the case against them may seem to be; and a still stronger case is made out as to the existence of what may be called obstructive patents, and as to the inconvenience caused thereby to manufacturers directly, and through them to the public. From a paper drawn up at our request by the Superintendent of Specifications, it appears that upon examining into the first 100 applications for patents in each of the years 1855, 1858, 1862, the results were, in his opinion, that in 1855, 26 were manifestly bad for want of novelty, and six more partly so; in 1858, 14 manifestly old, and one partly so; 1862, seven were old, and one would probably turn out to be so. An instance illustrating the mode in which these patents are used is given in evidence, where royalties had been demanded, and in most cases obtained, by the patentee of a machine, which turned out upon investigation to be identical with one which 19 years before had been well-known and publicly used. Other instances will be found in the evidence of particular manufactures and branches of invention, which are so blocked up by patents that not only are inventors deterred from taking them up with a view to improvement, but the manufacturer, in carrying on his regular course of trade, is hampered by owners of worthless patents, whom it is generally more convenient to buy off than to resist. The evil also results in another practice having the same obstructive tendency—namely, that of combination among a number of persons of the same trade to buy up all the patents relating to it, and to pay the expense of attacking subsequent improvers out of a common fund. From a comparison of evidence, it cannot be doubted that this practice prevails to a considerable extent. We must also conclude that when the obstruction is not to be got rid of without the expense and annoyance of litigation, in a large majority of cases the manufacturer submits to an exaction rather than incur the alternative."

These statements were fully borne out by the evidence, not of theorists merely, but of manufacturers and employers of labour, such as Mr. Brunel, Mr. Cubitt, and Sir William Armstrong. He thought, however, that there was now a tendency to attach less weight than formerly to some of these objections. He only wished to bring them before the House, because they should be borne in mind in order to reduce what he must call exaggerated claims. The existence of patents was to be defended, in his opinion, not on the ground so much of the rights of inventors, as on the ground of public utility. He did not think they could admit that there was any positive property in ideas. If they did so, to what results they would inevitably be carried. His hon. Friend the Member for Glasgow would not be content in that case to ask for a limited period of 21 or 17 years, but would claim a continuous use of the invention or the idea. As an illustration of this point, they might take Newton's differential calculus, or even the theory of gravitation. That was as much an original idea of Newton's as any machine was the original idea of its inventor; and yet it would be seen at once that it would be absolutely absurd that Newton should have had a right to prevent the use of those theories and formularies to all who came after him. It appeared to him the objects they should have in view in considering possible reforms, in the Patent Law, were three-fold. First, they desired, if that could be done, to secure fair remuneration to the inventor; secondly, they desired to stimulate invention. Here he might incidentally observe that if there were no Patent Law, one result would be that inventions would be concealed to the great disadvantage of the public, and another that capital would not be invested in the promotion of inventions. The third object they had in view was so to carry out the two purposes which he had already mentioned as not to restrict the further progress of invention by an undue prolongation of monopoly rights. They would have, therefore, to consider the term for which a monopoly ought to be protected, and the amount of fees which ought to be paid. The length of the term was, of course, a purely arbitrary matter; and, logically, 14 years could no more be defended than any other term. The only question to decide at present was whether a sufficient case of hardship could be made out to justify them in extending what had in some haphazard form or another been adopted as the practice of this country. Now, the Commission of 1865 were unanimously of opinion that the term of 14 years should not be extended. His hon. Friend the Member for Glasgow (Mr. Anderson) had referred in terms of approbation to the practice of foreign countries. He found upon inquiry that in foreign countries the term which patents were granted for varied very considerably. In several of those countries patents were classified. Very short terms were given for patents of a less important character. In France patents were granted for 5, 10, or 15 years; in Germany for 15 years; in Russia for 3, 5, or 10 years; in Italy for 1 to 15 years; in Spain for 5, 10, or 20 years; in Austria for 1 to 15 years; and in the United States for 17 years; and in all these cases if a patent was a foreign patent, or if a foreign patent was taken out, then the home patent expired with the earliest of the foreign patents. He thought it would be found that the term now allowed to English patentees was at least as favourable as the average term allowed in foreign countries; and considering that it certainly was undesirable to prolong more than was necessary these exceptional rights, and considering also that in cases in which it was proved that the patentee had not received what might fairly be considered adequate remuneration for his invention he was enabled to obtain an extension of the patent, he confessed his own opinion—though he did not pledge the Government—was that the term of 14 years was a fair concession on the part of the public in return for the benefit conferred upon it by the patentees. Now, he came to what he considered really the crux of the whole question, and that was the question of the fees. In that matter the hon. Member for Swansea (Mr. Dillwyn) was really in entire accord with the Mover of this Bill. As the hon. Member for Glasgow had stated, there was a large surplus in the revenue of the Patent Office after payment of expenses. He did not quite agree with him in his figures as to the exact surplus; but he found in 1879 the surplus was £144,000, and, no doubt, in the present year the surplus would be as large as that.

Mr. ANDERSON said, he had taken his figures from the Civil Service Estimates of the Patent Office.

Mr. CHAMBERLAIN observed, that though that was so, he thought other charges must be deducted before the net result was ascertained. This balance to the credit of the revenue had increased from £21,600 in 1859 to its present amount. Then he was led to inquire whether these fees discouraged invention. He must say the facts hardly seemed to bear out that theory, because there had been a steady increase in the applications, and a very remarkable one on the whole. In 1852 the number of applications was 1,211; 10 years later, 3,490; 10 years later, 3,970; in 1879 they were 5,338; and last year he believed they were nearly 6,000. It was said that the number of American patents was much larger; and it was, no doubt, true that the applications for American patents were something like 20,000 annually at the present time. He was informed, however, that as a rule more separate patents were taken out for the same invention in America than were usually taken out in this country, and that an English patent covered on an average something like three American patents. This, of course, considerably reduced the apparently great number of American patents. The cost of an American patent was £7; but this amount was largely increased if the patent were opposed either by the examiners or by third parties. In the United States a preliminary examination was established, which raised the question of novelty, and which led to a great number of questions which were not raised in the case of similar patents in this country. When the hon. Member for Glasgow (Mr. Anderson) said that, in consequence of the differences in the Patent Laws, the Americans were beating us hollow in inventions, he must state his opinion that his hon. Friend was mistaken. He knew, indeed, that that was the prevailing impression; but, having some practical experience in the matter, he did not believe it was based on adequate foundation. Owing probably to the scarcity of labour in the United States, the Americans had a multitude of inventions in matters which in this country were considered too trifling for the exercise of ingenuity; but it would be found that the vast majority of the really important inventions by which the trade and commerce of the world had been revolutionized, were English inventions. He need only mention the inventions of men like Stephenson, Watt, Wheatstone, Bessemer, and Siemens. In fact, nine-tenths of the important inventions in the great trades were the product of English ingenuity. This circumstance should be borne in mind, when it was supposed that we were beaten hollow by "our Cousins across the water." At the same time, he did not urge these considerations in order to diminish the force of the facts stated and the arguments put forward by his hon. Friend in favour of a liberal reduction of the fees. Putting aside exaggeration, they must all be of opinion that the cost, and especially the initial cost, must have a tendency to disparage invention. Under these circumstances, the first point in any reform was to lessen most substantially the initial fee, at all events, and possibly the subsequent fees too. He likewise agreed with his hon. Friend that it would be desirable to extend the term of provisional protection, and to allow greater facilities for the amendment of the specification. He was informed that if the reduction which his hon. Friend suggested were adopted as it stood in the Schedule to the Bill, the fees would not pay the actual cost of working the Patent Office, unless, indeed, there should be immediately a very large increase in the number of applications. He did not pledge himself to this opinion, but it was the opinion of the officials in the Patent Office; and, clearly, before legislating on the subject, it would be desirable carefully to inquire into the facts; but he was of opinion that the principle stated by the hon. Member for Glasgow was the one which should guide the decision, and that, in making the reduction, regard should be had chiefly to the necessity of paying the actual expenses of the Office. His hon. Friend proposed also to alter the term for the subsequent payments. He found that the effect of those large subsequent payments was very remarkable indeed. Between the time of the application for a patent and the sealing one-third of the applications dropped, either because the inventor was unable to pay the fees, or because in the interval he had discovered that the patent was of no value. In the third year there came a second payment of £50, and the result of that was that two-thirds of the remaining patents dropped off, and only 30 per cent went on to the term of the next payment at the end of the seventh year. That knocked off 19 per cent, leaving only 11 per cent of the total number of sealed applications, which were carried forward beyond the seventh year. His hon. Friend complained of the largeness of these payments; but every practical man knew that it had a beneficial effect in weeding out frivolous patents, which were a great clog to subsequent inventions. He did not like, therefore, to give up the idea of having some heavy second and tertiary payments which might have the effect of weeding out such patents. His hon. Friend asserted, indeed, that there was a self-weeding process going on which would do all that was required; but, for his own part, he did not believe this to be the case. If a man who had taken out a frivolous patent had not to pay a fine for continuing it, he would have no reason for letting it drop. The principle of these payments must, therefore, be upheld. Still, he was inclined to agree with his hon. Friend that the third year was too early to make the second large payment. Without pronouncing positively on the subject, he thought that that payment might fairly be postponed to the fifth year. Then his hon. Friend proposed that a year of grace should be allowed for the first and all subsequent payments. That, he thought, was open to serious objection, although he did not pronounce positively on the subject; for the effect of all periods of grace was that they became part of the original term. His hon. Friend said that he had attached to the period of grace a very heavy fine; but what would be the effect? His hon. Friend proposed to allow 12 months' grace upon the payment of a fine equal to 50 per cent of the payment. [Mr. ANDERSON: 100 per cent.] He (Mr. Chamberlain) would ask his hon. Friend to suppose the case of a man who did not intend to continue the patent or pay the fine. In that case the man would get the advantage of the year of grace, and would not pay the fine in the end. His hon. Friend further proposed that the sealing of a patent should date back to the original application. That, he thought, was an exceedingly reasonable proposal, and one which would have the support of the House; for no doubt great injustice occasionally followed from the present system. Then his hon. Friend proposed that paid Commissioners should be appointed to do the work which was now done by the Law Officers of the Crown. He thought, however, that before we created a new official post, with all the consequences which that involved, we ought to consider what it would have to do. If it were to do no more than the duties at present imposed upon the Law Officers of the Crown, he thought a change was unnecessary. He knew it had been suggested that there should be a preliminary inquiry into the novelty of patents; but he thought that the decisions of any tribunal appointed to deal with such delicate matters would give rise to the greatest dissatisfaction. At all events, his hon. Friend made no such proposition in the present Bill, for he did not propose to lay on the Commissioners any new duty. His hon. Friend suggested that they should keep a library, and records, and a register, and that the register should be indexed and accessible to the public on payment of a small fee. He really thought his hon. Friend could not be aware of what had already been done in this direction. During the last few years all legitimate cause of complaint on this head had been satisfactorily removed. At the present time there existed a complete register of all patents from the year 1617 downwards; it was indexed to facilitate searches, and it was accessible on payment of a fee of 1*s.* These registers had been in existence since 1852. There were alphabetical and subject indexes, which were published annually and sold to the public at cost price. Lastly, there were volumes of abridgements of the specifications of patents most convenient for reference. These had already been published in 98 series. At the present moment 14 clerks were engaged upon them; and he believed that in a very short time they would be complete. His thanks were due to his hon. Friend for calling attention to this important subject and for the scheme he had prepared for the consideration of the House. He might assume that his hon. Friend's chief object was to have his proposals fully discussed, for he could hardly suppose that in the present Session he would be able to carry the Bill to a successful issue. This was a work which the Government ought to undertake. He was aware that there were many points of detail not touched upon by his hon. Friend's Bill, to which the Government would have to give attention in amending the Patent Laws. It would also be necessary to take into consideration the possibility of international arrangements. He thought he had shown that he was friendly, not only to the objects his hon. Friend had in view, but also to what he conceived to be the principal proposal contained in the Bill—namely, a substantial reduction in the fees and the prolongation of the term of provisional protection. He was not in a position to pledge the Government as to the course which in a future Session they might be prepared to take; but nothing would please him better than to find that, the House having resumed control over its proceedings, and being able to deal with the general Business of the country, he should have an opportunity of making alternative proposals in the sense, to a large extent, of those made by his hon. Friend. All he could assure him was that he should be anxious to deal with the matter at the earliest possible moment. In conclusion, he hoped his hon. Friend would be satisfied with this assurance and with the discussion which had arisen, and that he would not put the House to the trouble of going to a division.

MR. GREGORY said, that one of the defects of the present system was that the Law Officers of the Crown were continually changing, that they were not scientific men, and that they could not be acquainted with the nature of the schemes which were submitted to them. The consequence was that a number of patents passed which did not possess the element of novelty, besides a great many more which did not possess the element of utility. In creating these patents we were giving individuals a monopoly against all the world, and such a right ought not to be granted without stringent conditions being imposed. One of the conditions ought to be that anyone should be allowed the use of the patents on fair and legitimate terms. He hoped the President of the Board of Trade would, after re-consideration of the subject, see his way to the appointment of some sort of tribunal to regulate the issuing of patents in the first instance. Such a tribunal would prevent a great amount of litigation, heart-burning, and difficulty. The fees should certainly be reduced; but, at the same time, we ought to provide against the reduction of expense leading to a flood of patents which were neither useful to the public nor to the persons who sought to obtain them.

MR. BROADHURST thought the House had some considerable cause for satisfaction from the fact that the President of the Board of Trade had not to-day in any serious manner used the arguments which had been common nearly 20 years ago. The ideas which then prevailed as to the rights of inventors, and the legitimate result of their thought, were antiquated in those days, and he was sure it was a great pleasure to know that they had not to listen to these arguments now. The Bill of the hon. Member for Glasgow (Mr. Anderson) had been well discussed throughout the country. The working men of the United Kingdom were unanimously in favour of reforms quite as large as those proposed in the Bill, to say the least of it. Many of them were of opinion that the Bill did not go far enough in the direction of reducing the fees. Many men who were well informed on the subject, and who had inventions in their possession, were of opinion that in justice to the inventors, as well as in the interests of the nation, the cost of the patent should be reduced at least to the same sum as the American Government were charging. That was, he might say, the unanimous opinion of the working men of the United Kingdom. They had discussed this subject for some five years in succession, and there was a great anxiety on the part of people outside that some proposals similar to these should very soon be embodied in legislation. There was one special cause of comfort to be derived from the knowledge that the people were in favour of these proposals. There was, no doubt, at the present time a latent suspicion that the working men's organizations were not in favour of machinery in the place of manual power. Their unanimous appeal to Parliament to remove all obstacles in the way of the full application of science to production was the best answer that could be given to any such suggestion. It was true that in America there were 13,000 or 14,000 patents granted each year, against some 3,000 in this country. The main cause of that was not that the American people were more inventive than the English people; it was because greater facilities and encouragement were given to the inventions in America; and then it must be remembered the American got the credit of very many inventions that were conceived in other parts of the world. Many a poor man in England or Scotland found himself utterly unable to cope with the heavy charges of our Government, and transmitted his invention to America, because he could obtain protection cheaper. He sincerely hoped that this inequality would not long exist between our own charges and those existing under the American Government. The President of the Board of Trade, when he was speaking of the £7 charge made by the American Government, pointed out that £7 did not on all occasions discharge all the liabilities connected with the obtaining of the patent. That was perfectly true. But the great secret and the great advantage of the American system was, that when the preliminary examination was over, the patentee obtained a real protection. When the patentee left our Office he had a patent, but no protection. He had merely a licence to go to law if there were some wealthy people against him, who could lay any kind of claim whatever to the originality of this particular production. The system in vogue in America of settling a dispute, if there was a dispute, at the commencement, was a proper and wise proceeding; because when the patent was obtained its possessor was free to apply it to the industrial works of the nation. This country, he believed, charged a higher rate for patents than any other country in the world, with the exception of Germany. He would appeal to Her Majesty's Government to take this question up at the earliest possible moment. There was no greater or more urgent question connected with our industrial interests than that of freeing the brains of our working people, in order that they be applied to the greater increase of industrial production. England today owed more to her inventors for her greatness and wealth, and her superiority over the other nations of the world, than she owed to her soldier or her sailor, and he hoped we should maintain that superiority by encouraging all those who had inventions to apply them at home, and to give this country the benefit of them, rather than drive them to foreign countries, where they obtained protection at a cheaper rate. The fact that this nation derived a revenue from inventions to the extent of £120,000 or £130,000 a-year was a monstrous thing. It was as infamous to his feelings as was the tax on the food of the people, although it was in another form. He confessed he was not so well pleased with the statement of the President of the Board of Trade as he had expected to be. He thought the promises made by the right hon. Gentleman were not at all liberal. They were in no way equal to the occasion. They were almost as contracted as were the opinions of the late Government when they first commenced to draw a Patent Bill. But as the late Government progressed every successive year, so he hoped that the views of the present Government would enlarge on this question; and he should prefer to wait than have a Bill which, according to the rather right hon. Gentleman's statement, would be the least possible reform that could be given by the Government in response to the working people and the inventors of this country. If the hon. Member for Glasgow went to a division, he should certainly consider it his duty to support the second reading of the Bill.

MR. STUART-WORTLEY said, he hoped the discussion would not be unprofitable in encouraging Her Majesty's Government to deal with this subject at an early opportunity. He could not say that the present time was favourable for examining the proposals of the Bill in any great detail. No doubt, the hon. Member for Swansea was entitled to insist on such conflict as there might be between the interests of the public and the interests of inventors; but he was sure that the House would agree with him that it could not be to the interest of the public or the progress of invention that the legitimate profits of an invention should go to others than the inventors. He was in favour of lowering the expenses imposed upon inventors in return for the protection they received from the State. Patents were rightly the object of monopolies, though it might be true that monopolies were against the Common Law. They had been told that the patentee was inclined to demand unreasonable profit. That might be safely left to the operation of the law of supply and demand. If the patentee was inclined to demand a greater sum for an invention than the public was willing to give, he would soon find the limit to which he was able to push his demand. He was sorry to hear upon one point the observations of the President of the Board of Trade—namely, that he had come to a hard-and-fast resolution that this subject neither could nor should be dealt with otherwise than by the Government of the day. He must say that the discussion of this afternoon afforded ample evidence to show that this subject might be dealt with not only on a Government night, but on a Wednesday afternoon, removed from the heat and passion of Party debate, by a sufficient quorum of the House, consisting of Members qualified to discuss the case. He hoped it would not be laid down that the subject should not be legislated upon because the Bill dealing with it was initiated by a private Member. As to the possibilities of a loss of revenue by the reduction of the patent fees, he thought that experience of the American system, and our own experience in the matter of the penny post, ought to be a sufficient answer to any pessimist opinion. He thought at least that this was a subject upon which any Government might very fairly face the risk of a slight loss of revenue. He hoped that this subject would be legislated upon, not necessarily by the Government—for in these days they did not find that subjects in which the Government claimed a monopoly came most readily before the House — but that Government would do what they could to bring on the subject at as early a day as it possibly could, because he believed it to be one of fully as great importance as many of those now presented to Parliament. If the hon. Member for Glasgow proceeded to a division, he would have great pleasure in supporting him, not so much because he adopted in their entirety the proposals of the measure, but in order to record his sense of the urgency of this question.

MR. CARBUTT said, he wished, as one who had given much attention to the Patent Laws, and as one who was a patentee and who had worked other people's patents, to offer a few remarks. He was glad this subject had been brought forward. There could be no question that, as we were entirely dependent on our manufacturing industry, we must look to our laurels and encourage our inventors, for otherwise we should be beaten in the race. Our workmen used to think it necessary to keep up the cost of production; but now they supported labour-saving machines, believing that they would share in the saving effected by the inventor's thought and skill. Unless there were Patent Laws no invention would ever come into use; but by granting the patent it was made worth the while of the patentee to work his patent. Here no man could work a patent unless he was a capitalist; but in America, as soon as a man got a patent, he went to a capitalist, who advanced the money, and worked the patent as a joint partner. No invention, however good, could be sold if no person had incentive for working it. He was in favour of a great reduction in the fees payable for a patent. He believed that the general feeling of the country was in favour of a Board of Examiners; but he would give them the power only to advise as to whether an invention had been patented before or not, but not the power to forbid its being patented. It they were to have a new Patent Law they ought to have a new Examining Board. In this country we had only one patent a-year for 12,000 of the population, while in America the proportion was one patent to 3,000 of the population. If we could get an open Patent Law, our workpeople would see it to be their interest to spend their spare time in improving the machines upon which they worked, and thus the cost of production would be reduced. His principal objection to the Bill was that it proposed to extend the time to 21 years. If they were to do that they would set public feeling against them, and the result would be that the Patent Laws would be swept away. At present the feeling was in favour of the poor inventor; but if too great a monopoly were insisted upon it might endanger the Patent Laws altogether. It was said that to place the Patent Laws upon the same footing as those in America would entail a great loss upon the Revenue; but the Government had already in hand £1,500,000 belonging to inventors, who would willingly place it at their disposal in order to try the experiment of reducing the fees. He hoped his hon. Friend would go to a division, and that the Government would accept the Bill as a platform to start from. He thought the speech of the right hon. Gentleman the President of the Board of Trade showed how much the Government wanted education on this matter. Next year the Government might bring in a measure on the lines of this Bill with such alterations as might be considered necessary

Sir HENRY HOLLAND said, he did not rise to discuss the oft-debated question whether there should be Patent and Copyright Laws, which was touched upon by the President of the Board of Trade, because it was admitted by the right hon. Member that there must be a Patent Law; and, indeed, he went so far as to undertake that Her Majesty's Government would bring in a Bill to amend the law. He (Sir Henry Holland) hoped the effect of this afternoon's discussion would be, not only to secure the introduction of such a measure next year, but of a measure more liberal to inventors than that shadowed forth by the right hon. Gentleman the President of the Board of Trade. At all events, he desired to urge one point strongly upon the Government—namely, the expediency of establishing a strong Board of Examining Commissioners. That the present investigation of patents by the Law Officers was not satisfactory, he thought was generally admitted. This did not arise from any fault of the Law Officers, past or present, but partly because the powers vested in the Law Officers was of a very limited character, and partly because Law Officers were a shifting body and not a scientific one. They were not skilled in chemistry or in machinery, though quite competent to deal with the law as to novelty or infringement of patents. It would be far better, therefore, to have a fixed body of Commissioners, as proposed by the Bill of the hon. Member for Glasgow (Mr. Anderson). Even as the Bill stood, litigation would be to a considerable extent checked. The knowledge that a patent had been investigated and passed by competent judges would tend to prevent infringement, and thus benefit the working-man inventor. As matters now stood, he could not fight the crowd of infringers who were always ready to strike in and make use of any new invention, and were anxious to make an easy profit by it. He had no chance of profiting by his patent, as he had no capital wherewith to fight these enemies, unless he allied himself to some firm or capitalist who could fight the battle for him. To this extent, then, he lost some part of that gain to which he was justly entitled, as he must share it with the capitalist. But, looking to this part of the case, he (Sir Henry Holland) would go further than the Bill. He would like to see a strong body of five skilled Commissioners, well-paid, and entirely devoted to the work of examining into and granting or refusing patents, whose certificate should be evidence in a Court of Law of the validity of a patent. He would not now attempt to define in detail the powers that should be granted to such Commissioners; but, speaking generally, he would invest them with the power of granting certificates of patents, which certificates should be proof of the validity of patents without any further evidence, and with the power, where they entertained doubts of the validity of a patent, whether on the ground of novelty, or upon any other ground, of passing the patent, but at the risk of the inventor, leaving him to fight it, if it was subsequently infringed, Some errors might occur, but he believed they would be few; and, on the other hand, litigation would be much checked and the working-man inventor much benefited. As far as he could learn, this system worked very satisfactorily in America; and he trusted that Her Majesty's Government would see their way to make this change here in the existing law. He trusted, further, that they would in any Bill deal more liberally in the matter of the reduction of fees than the President of the Board of Trade had led the House to hope for. The only point to secure was that the expenses of the Patent Office—an Office constituted in the main for the benefit of inventors—should be covered by the fees. The country ought not to look for any distinct gain of revenue from such fees. If we could reduce the fees, we might prevent that transmission of inventions to America, which there was good reason to believe was taking place to a considerable extent, and which was referred to by the hon. Member for Stoke (Mr. Broadhurst). He (Sir Henry Holland) considered it far more important to reduce the fees than to extend the time during which a patent was secured. Indeed, upon this point he was at issue with the hon. Member for Glasgow, as he (Sir Henry Holland) thought that the term of 14 or 16 years would be quite sufficient, if the present power was retained to an inventor of applying to the Judicial Committee of the Privy Council for a prolongation of his patent. This prolongation he could obtain if he could show that his patent was a valuable one, but that he had reaped very small or no profits from it for some time. But this question of extension of term was a matter of detail to be considered and settled in Committee, and he would not dwell further on it now. He should certainly vote with the hon. Member for Glasgow for the second reading of this Bill.

MR. A. H. BROWN said, that the American system appeared to be preferred by most Members who had spoken. Under that system they had a competent Commission for examining inventions, and deciding whether they were fit subjects for patents. If, in their opinion, the invention was not a fit subject, a patent might be granted with an endorsement that the Commissioners were not able to grant a full certificate. The result was that they had on the one hand a clean certificate, and on the other a certificate with an endorsement to show that there was something behind. He would not support the Bill if he thought it entirely an inventors' question; but the reform of the Patent Laws was a question of public importance. It was a national question that we should have cheap patents, because by such means we should promote the invention of labour-saving machinery, and thus improve the manufacturing power of the country. The President of the Board of Trade had quoted the Report of the Royal Commission which sat 20 years ago, but he did not quote the Report of the Committee which sat since that time and showed that a great change in public opinion had taken place. He referred to the Report of the Committee over which his hon. Friend the Member for Banbury (Mr. B. Samuelson) presided, and since then the feeling in favour of a good Patent Law had grown stronger. That Committee reported—

> "That the privilege conferred by letters-patent promotes the progress of manufactures, by causing many important inventions to be introduced and developed more rapidly than would otherwise be the case."

The fees charged on patents went far

to prevent the introduction of labour-saving machines into this country. America was largely competing with us in this direction. In the matter of pianos, for instance, 21 patents were taken out by one firm, the cost of which in America amounted to £147; whereas the cost in this country would have been no less than £3,765. So that our manufacturers were heavily handicapped by the very large fees demanded for protecting inventors' rights. The American Patent Commissioner said—

> "The records of this Office, as well as the history of manufactures, show the immense labours and achievements of inventors during the last half-century, but the end in no department is yet reached, the fields of invention are exhaustless, and under protection wisely given the future will be richer in invention than the past."

Again, in his Report for 1879, the American Patent Commissioner said—

> "The Constitutional provision which confers upon Congress power to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries evidently imports, not that inventors are hateful monopolists to be taxed by the Government, but that they are public benefactors to be encouraged and rewarded. That this is the true theory the experience of our people with their patent system during the past century abundantly proves."

The well known paper *The Scientific American* said—

> "In the United States the main idea is that the inventor of any new and useful device is conferring a benefit upon the nation, and should, therefore, be protected in his invention. This is the correct theory, because it has succeeded in producing such astonishing results that other nations are gradually adopting it."

Innumerable extracts to the same effect might be given from the leading scientific papers of America. The majority of our inventors were mechanics, whose daily occupation was with machinery and mechanical processes of every description, and who, therefore, had the greatest opportunity of seeing defects and thinking out improvements; they wanted only the incentive to produce innumerable improvements. The speciality of American invention was labour-saving tools, and it was chiefly by means of the excellence and economy of their labour-saving tools that the Americans were able to successfully compete with us. To stimulate our mechanics and invent labour-saving machines was, therefore, a matter of national importance. To take one instance, mentioned in *The Times* of the 26th of December, 1878—

> "In the Waltham factory, with the aid of machinery, the labour of one man is equivalent to the production of 150 watches annually, whereas in England and Switzerland only 40 watches per annum are produced by each man employed in the trade. There is scarcely a branch of mechanical industry into which the inventive genius of the New England people has not introduced labour-saving machinery, which chiefly enables the manufacturers to sell their goods in those States on which they are almost dependent for the raw material, and even in European countries which have great natural resources and a super-abundance of cheap labour."

The whole power of America to compete with us in the production of many of their manufactures arose from the use of labour-saving machinery. Workmen were encouraged to perfect the machinery with which they worked; and if we would compete with America we must reform our Patent Laws by greatly reducing our fees, extending the period of protection, and giving greater security to our inventors. Improvements in manufacture often depended, not on large and important inventions, but on improvements in small details in the machines used by the workmen employed on manufactures. In this way labour-saving machinery had been given to the world. He laid great stress, therefore, on that portion of this Bill which proposed to reduce the fees on patents. That was the first step in the right direction. He also approved the extension of time to be given to patents to 21 years. It was often years before a patent could get fairly into operation, and 14 years did not, he thought, provide an adequate reward. The proposed extension would not only be a boon to the inventor, but, by stimulating invention, would prove most advantageous to the industry of the country. He hoped his hon. Friend would take the sense of the House on the second reading of his Bill.

MR. JACKSON said, that a great deal had been said with respect to the advantages of the application of labour-saving machinery to manufactures in this country. His experience was that labour-saving machinery enabled the manufacturer to produce his goods at much less cost. The hon. Member for Wenlock (Mr. Brown) had taken what he thought to be the broader view with regard to one part of the question, and that was that this was not a question for inventors only; and he entirely differed from the hon. Member for Swansea (Mr. Dillwyn) in speaking of this as being an inventors' Bill only. His opinion was that the question they had to consider was the question of advantage to the country at large. Mention had been made of the advantages of the Patent Laws to inventors, and of the high prices they had obtained for their inventions. He ventured to point out to the House that there was no invention which had ever been brought forward in this country which had proved of great service in which the benefit was not larger to the public generally than to the inventor himself. The President of the Board of Trade had drawn attention to the fact that perhaps the numerous patents which were taken out in America were not entirely due to the fact of the small fees charged for them; but it was remarkable in this debate to find such unanimity in this direction—that the lessening of the fees was one of the first objects to be aimed at in the amendment of the Patent Laws. As he had said, this had been spoken of as an inventor's question. The Chamber of Commerce of the town he had the honour to represent, and the Chambers of Commerce generally throughout the country, comprising as they did men who were not only inventors themselves, but also others who, as large manufacturers were interested in all inventions brought forward, had petitioned over and over again for the amendment of the laws with respect to patents; and he therefore hoped sincerely that the hon. Member for Glasgow (Mr. Anderson) would go to a division, if, indeed, a division was necessary, because, as far as he was able to judge, the question might be agreed to without a division. Reference had been made to the great advances which America had made. No doubt, America had made great steps. They were also told that men in this country were taking their inventions to America and giving America the advantage of them. Personally, he had no experience on that side of the question; but he had some experience on the other side, that the Americans were year by year bringing to this country a larger and larger number of patents relating to manufacturing processes, and were reaping very large sums annually from those patents. He was, therefore, for lowering the fees in the initial stages. He was one of those who did not believe that the sum total was so much the question objected to by the inventor, as if the invention did not in 14 years enable the inventor to pay the amount at present charged, the invention was not of much value to the inventor or to the country. He believed, also, that by lowering the fees in the initial stage they would stimulate invention. He was exceedingly glad to hear from the hon. Member for Stoke (Mr. Broadhurst) that there was no desire on the part of the working classes to obstruct the introduction of machinery. He thought one of the steps which would very largely tend to get rid of the old-fashioned prejudices against the introduction of machinery would be by reducing the fees of patents, and thereby encouraging and stimulating men who were engaged in manufacturing processes to make from time to time improvements which were likely to occur to them, and far more likely to occur to them than to others who were not engaged in the same business. There could be no doubt that the commercial supremacy of this country could only be maintained by one of two methods, or both methods combined—namely, that we must either maintain superior excellence in our manufactories, or we must be able to produce our goods for less than other countries. He was speaking now of competing in the markets of the world, because this country was year by year being run harder and harder in the race of competition; and he ventured to say this, that in the opinion of some of the Chambers of Commerce in this country far too little attention was paid in that House to questions affecting the commerce of the country. He, therefore, hoped the House would agree to the measure which had been brought forward by the hon. Member for Glasgow—not that he pledged himself to all its details; but he thought it would be of great advantage if the House expressed its unanimous opinion, as it would show the Government that there was great interest in this question, and that it was one which the country demanded should be dealt with. He ventured to say that the small attendance in the House that day was no indication whatever of the interest taken in the question in large towns. Our imports were increasing, but our exports of British produce and manufacture were not increasing; and although that was not the time to enter into the reasons of the cause, he ventured to say that it was desirable, as far as it was practicable, to encourage by all means in their power every attempt to increase the efficiency and the power of the manufacturers of this country to compete with their competitors abroad. He sincerely hoped that the hon. Member for Glasgow would proceed to a division if necessary, and he should have very great pleasure in supporting him.

MR. HINDE PALMER said, that, as a Member of the Committee which sat in 1871 and 1872, he had listened to a large portion of the speech of the right hon. Gentleman the President of the Board of Trade with great satisfaction; but there was one part of it in which he could not agree—where he referred to the constitution of a better body of Commissioners. It was impossible for his learned Friends the Attorney General and Solicitor General, with their other laborious duties, to deal satisfactorily with applications for patents. The Committee had therefore recommended that the Commission should be reinforced by the appointment of competent persons having practical skill as well as scientific and technical knowledge, whose time was not too much engrossed by other employments to conduct the preliminary examination which ought to precede the grant of patents. The appointment of such a Commission would, he thought, be of very great importance. It was intended by the late Government to appoint additional Commissioners. The Lord Chancellor, the Master of the Rolls, and the two Law Officers were now the only Commissioners. From their numerous engagements it was very difficult to get a meeting of the Commissioners, and a great deal was left to the Master of the Rolls. He thought the hon. Member for Glasgow would be justified in taking a division on the second reading if it were not assented to by the Government. The extension of the term might very well be left to be dealt with in Committee.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he wished to explain. A good deal had been said about a new Commission for examining into each case before patents were granted. That was one question. Whether the present was the best body for doing what was now done was quite another. His right hon. Friend the President of the Board of Trade did not differ as to this—that if a preliminary inquiry should take place as to the novelty of the invention claimed, it would be impossible that it should be carried out by the present Commission. But what he called attention to was that this Bill did not deal with that point—it merely transferred to a new body precisely the same duties and very limited powers of the present Commissioners. The powers of the Law Officers appeared much greater than they really were. They had no power to refuse a patent, however old the alleged invention might be, and they were often obliged to grant patents which they knew would not be worth the paper on which they were written. They had, in fact, only power to inquire whether the specification was sufficient for provisional protection, and whether the invention was the subject-matter for a patent. His right hon. Friend had merely stated that a new Commission with such limited powers would be of no great advantage to the public. Whether or not it would be desirable to have a more extensive preliminary investigation was quite a different matter, on which he expressed no opinion.

MR. JAMES HOWARD said, the fact just acknowledged by the Solicitor General that the powers of the Law Officers of the Crown in the matter were so limited was only another argument in favour of more thorough reform of our Patent system. Twelve years had elapsed since he had stated in the House that he thought great danger would arise to our manufacturing system if we neglected to reform our Patent Laws, and next to nothing had in the meantime been done. He had had some experience on this subject, having taken out three or four patents in America, and upwards of 50 in England. The preliminary examination in England was totally inadequate. The American system was vastly superior. He went to America some years ago to take out a patent, and upon resorting to the Patent Museum at Washington—which, he might say by the way, was a great educational establishment—he was met by an examiner having his specification in hand. The examiner took him round the museum, where all the models were classified and arranged chronologically; the examiner pointed out to him where he had been anticipated by previous inventors. The result was that two heads of his specification were struck out, and a patent was granted for the other three. In this country a patent might be granted a dozen times over for the same thing which could not happen in America. There wasa necessity for a thorough reform in this matter. This Bill was entirely in the right direction, but it merely touched the fringe of the question. Cheap patents were unquestionably desirable; but a cheap patent would be of little value to a poor inventor unless he had also cheap and efficient machinery for upholding and enforcing Patent rights. There was one expression which fell from the President of the Board of Trade which rather grated on his ear. He spoke of property in ideas. That expression had wrought great mischief in this country. No inventor had any property in ideas any more than an author. An author had no property in ideas; he had to put them on paper, or give them to the world in the form of a book. So an inventor had no property in his invention until he had made that invention public, and handed in drawings and specifications of his ideas; and, therefore, the inventor had no property in a mere idea. Again, it was an abuse of terms to regard an inventor as a monopolist, because he took nothing whatever from the public; on the other hand, he gave to the public a new machine, or a new process, which no one was compelled to adopt unless it answered his purpose. But, even if there were any truth in the suggestion that an inventor was a monopolist, the proper remedy would be to adopt the system of compulsory licences, a system he had suggested to the Select Committee which sat in 1872, and of which he was a Member. The American system of patents and the administration of the Patent Office were infinitely superior to that of this country, and he hoped that the hon. Member's Bill would be read a second time unanimously by the House.

GENERAL SIR GEORGE BALFOUR said, he believed the sum now charged against the Patent Office as fees for the Law Officers of Ireland and Scotland, and amounting to about £3,500, was amply sufficient to provide three or four additional Commissioners to look after the granting of patents. These Officers had no official concern with the Patent Office duties, and these salaries and emoluments ought to be drawn in one Estimate, as now practised with regard to the English Law Officers whose fees were formerly charged against the Patent Office. One subject which was worthy of attention, as it might easily be, was the meagre nature of our annual Report on Patents, covering only three or four pages. The last Report was filled up with a long list of the headings under which the information about the patents were arranged. As compared with the admirable Report issued by the American Patent Office, it contrasted most unfavourably. He urged upon the English Law Officers, who were at present the Patent Commissioners, that they might at least do something to improve that part of the business. They had only to see that the gentlemen who were employed in the Patent Office gave a good and full account of the work done during the year; and, by availing themselves of the American Patent Office Report, they could easily summarize the results of the working of our own Patent Office and classify the many improvements extending over a series of years.

MR. ECROYD said, he thought that the House was indebted to the hon. Member for Glasgow for having brought under its notice a subject of so much importance to the industrial population of the country. But, for his own part, he regretted that the Bill of the hon. Member should have been encumbered by a proposal to extend the period for which patents should be granted. He was also of opinion that much larger powers should be conferred upon the Commissioners proposed to be appointed by this Bill, so as to enable them to winnow out the real from the unreal patents. Great inventors were often largely and justly rewarded under the present system; but the working man received far less than was his due under it; and his experience pointed to the fact that it was not the cost of obtaining the patent which usually stood in his way. In many instances he had known working men who had paid the deposit of fees out of their own savings or by the aid of others, but not in one instance had he observed a working man who was able really to obtain a patent for that which he had invented. A great multitude of unreal and non-original inventions at present patented stood in the way of the progressive improvement in the processes of manufacture which arose out of successive small inventions;

and it frequently happened that a working man who, in the course of his daily labour, had had suggested to him an important, though slight, modification in some process or machine, was precluded from adopting it in consequence of the liability to litigation in which he would at once find himself involved. The objects which the Governments should endeavour to attain were two—in the first place, to reduce to the lowest possible limit the cost of obtaining a patent; and next, to give the Commissioners the largest power to weed out inventions which were not real, and so to place the working-man inventor in immediate possession of the facts he had to confront. If those objects could be attained, he did not doubt that an immense boon would be conferred, not only upon the working classes, but upon the country at large, by enabling it the better to meet increasing competition. In conclusion, he wished to acknowledge the ready co-operation which manufacturers continually received from their working men in carrying out improvements in their machinery. He should be glad if, in view of the objections to the Bill which he had pointed out, the hon. Member for Glasgow would not take the sense of the House upon his measure, but would be content with having elicited a strong expression of opinion in favour of Patent Law reform.

Mr. BARRAN said, he fully endorsed the opinion which had been expressed—that this was a question which affected equally both inventors and the public, and that the effect of any measure of Patent Law reform would be more for the benefit of the country at large, than of the individual inventor. He hoped, if the hon. Member for Glasgow failed to carry his Bill, that if the President of the Board of Trade took up the question he would deal with it in a liberal spirit. He believed that in proportion as they grasped this question in a broad and comprehensive way so would they find good results to accrue; but he was satisfied that if they merely tinkered with the question Session after Session, the results would be much narrower than they would be if the question was grasped in a broad and comprehensive way. He believed that the only way of dealing with the question was to adopt a plan which would meet every requirement of the trade of the country. The large inventors had been able, in the past, to exercise a privilege, if not a monopoly, of wealth; but the working man, who had largely contributed to the acquisition of that wealth, had been denied the privilege of using such means as would have conduced to his welfare and prosperity in consequence of this great bar of expense in securing patents. They had heard a great deal to the effect of cheap patents in America; but the effect of cheap patents in America had not been merely to give to the American inventor privilege and profit, but to stimulate the trade of the country generally. It also stimulated the inventor, and influenced the whole population, as when one man succeeded with a patent it led others to study more closely in order that they might succeed also. In America the patentees secured their remuneration, not by charging a high price for the products of their patents, but by making it an almost invariable rule that the patented articles should be as productive as possible. They made quantity pay where, in many instances, a high price would not pay, and thus they stimulated production, and the whole nation got protection. We saw every day in this country various little domestic productions of American manufacture, which indicated very great ingenuity, but which would not be considered in the eyes of many manufacturers of large implements worthy of their consideration. But if they considered what the effect of all these small inventions was on the employment of labour in a country, they ought not to lose sight of the fact that the smallest possible products which employed very large numbers of workpeople were of importance both to the workpeople and to the consumers of the things produced. The President of the Board of Trade referred to the question of stimulating invention. He (Mr. Barran) had no hesitation in saying that if we could offer facilities in England, first of all for an inexpensive, and second for a secure investment in patents, we should stimulate invention very rapidly. The cost in the past had been the great barrier to invention in this country. In all our large manufacturing establishments, like that of the hon. Member for Bedfordshire (Mr. J. Howard), where there were different departments, men who were at work at daily wages very seldom came in contact with the employer, and he knew this had very much discouraged the skill, enterprize, and inventive genius of working men in such institutions. But if the working man felt that he could go beyond his work and secure for himself at a very small cost the benefit of his skill and invention we should get very much better results than we did at present. The right hon. Gentleman the President of the Board of Trade had said that by the Bill as proposed we should further the process of invention without undue monopoly; but with safeguards such as would be given in any good Bill there would be no fear of a monopoly being got by the inventor. The fact was that at the present time the whole country was looking forward to a Patent Bill, and the unanimity that had been expressed in the House that day in connection with this important question was a very strong indication of what the feeling in the country was. In the large borough which he had the honour to represent (Leeds) the feeling throughout was that something ought to be done, and speedily done, to remedy the evil which at present existed, and this feeling was not confined to the working men, for all the manufacturers and merchants felt as much interest in it as the working men. Therefore, he felt that this question was not a question of any particular class; it was a question of the whole nation, and therefore it ought to be at the speediest possible time settled, and settled in a broad, comprehensive, and practical way.

MR. D. GRANT contended that, as we had the same qualities and genius in this country as in America, there was no reason why we should not start from the same level as they did. He believed the success of the Americans, in respect to inventions, was due to the number of labour-saving appliances and superior tools, due to their liberal Patent Laws. If similar encouragement were given in this country, he did not doubt that the working men of this country would show equal inventiveness with their American brethren.

MR. LYON PLAYFAIR said, there was a remarkable growth of public opinion in regard to the Patent Laws, not only in this country, but in all countries. A few years ago a general feeling was arising against patents, and many most influential Statesmen in all countries were opposed to patents in principle. In our own country, leading Statesmen like the present Lord Chancellor and Lord Granville, Judges like Sir William Grove, and engineers of eminence opposed patents in principle. Abroad, Prince Bismarck published an able Memorandum against them. Lately, however, a general change had taken place all over Europe, and in this country also, and the necessity of encouraging instead of discouraging patents had been generally admitted. But, at the same time, it had been felt that our Patent Laws were in such an unsatisfactory state that a thorough reform of them was a necessity of the immediate future. There were two interests in regard to patents. There was the interest of the public and the interest of the inventors. In good patents these were identical, but in bad patents they were antagonistic; and anyone who attempted to reform the Patent Laws must keep this in view. He would illustrate his meaning. If we were travelling along a road—the road of progress—every means of shortening the route was an advantage. If steps were cut on a hillside to shorten a zigzag road, it was a positive advantage, and the wayfarer would willingly pay a small royalty for their use. But if useless obstacles were thrown down on the road, tripping up the traveller at every step, the mischief was great. That was the case with good and bad patents. Good patents were an aid to the community; useless patents were an encumbrance. They generally came in a rush, and there might be difficulty in sifting out the wheat from the tares. The tree of knowledge was producing fruit, and the close observer noted the first apple which was ripe and plucked it. But there were many others waiting for the fruit to become mature. This Bill proposed, and proposed rightly, to cheapen patents. That was quite right; but then it followed that by cheapening patents it would lead to their multiplication. So much the better if the patents obtained were good patents, and so much the worse if they were bad. Patents generally arose as an answer to a formulated demand; and the question was how they were to get those in which the interests of the public and the inventors were identical? That could only be done by a system of examination, and this Bill provided no system of examination. Although he agreed with many points of the Bill, he thought unless they adopted a good system of examination, that evil would result instead of good. The Bill also proposed to establish a Commission. He would like to see a Commission established; but the Bill gave no more power and duties to the Commissioners than the lawyers had at present, and, therefore, he believed the intention of the hon. Member would be of little value. Speaking as an individual Member of the House, it would be very painful for him to vote against the Bill. It was well intentioned, but it was not an efficient Bill. It had induced a capital discussion, and shown the general feeling of the House to be in favour of an alteration of the Patent Law. He hoped that the hon. Member would not force the House to a division, but allow the Bill to be read a second time on the understanding that a fuller and more comprehensive measure of reform than the present Bill was would eventually be introduced. With this view he hoped the hon. Member for Swansea (Mr. Dillwyn) would withdraw his Motion for the rejection of the Bill.

Mr. DILLWYN, in asking leave to withdraw his Amendment, explained that he had only moved it with a view of raising a discussion on the question.

Mr. ANDERSON said, he thought it would be very ungrateful of him, after the valuable discussion that had taken place, and the full expression of opinion on the subject from so many hon. Members, if he were to weary them with a long reply. So far as he understood, the feeling of the House generally was very much in favour, if not of all the principles of this Bill, at least of a large measure of Patent reform. But, to his mind, the most unsatisfactory speech of the day was that of the President of the Board of Trade. There were two points on which the right hon. Gentleman's speech was extremely unsatisfactory. One was, that he maintained, in an unqualified way, the position of the Law Officers of the Crown as the administrators of the Patent Office. The Solicitor General had since endeavoured to qualify that by saying that if greater duties were thrown on the Commissioners that might change the Government's opinions. As to throwing more duties on the Commissioners, he should be happy to do that, but his object was first to get the Commissioners. He felt that a change in the present system from the Law Officers to Commissioners, whose primary duty would be to administer the Patent Law, would be an enormous step. There were words in the Bill that covered a great deal more than was generally supposed. These words were—"To perfect the organization of the Patent Office," showing that in desiring to have Commissioners he aimed at a great deal more than was defined in the Bill. The other point of the President of the Board of Trade that was to him unsatisfactory, was as to the reduction of the cost of patents. The right hon. Gentleman said he would go in for a substantial reduction of costs; but it was clear that substantial was a vague word, for the right hon. Gentleman also said that the charges proposed in the Bill involved too great a reduction, and that he was informed by the officials of the Patent Office that such a reduction as that would not pay. The right hon. Gentleman had allowed his mind to be impregnated with wrong ideas from the officials of the Patent Office. He (Mr. Anderson) told the right hon. Gentleman plainly that the charges in the Bill were far too high, not too low. The right hon. Gentleman must have gathered from the speeches of hon. Members that something nearer the American system of charges of £7 as the final and complete cost was what was wanted by the country; and to say that the charges in the Bill, which amounted to about £100, were too low, appeared to him (Mr. Anderson) preposterous and absurd. For these reasons it would have been necessary for him to take the sense of the House on the Bill; but he gathered that the principal objection of Mr. Dillwyn was as to the number of years proposed. That, however, was a matter of detail. His own opinion was in favour of 21 years, or of some considerable extension; but he would leave it to the Committee to decide what that extension should be. If a division was not challenged he should be grateful to the House for the second reading, though in the press of other Business he could not expect to carry the Bill this Session. The second reading would give the country the assurance that the House of Commons was committed to the main principles of the Bill—the appointment of Commissioners, and a large reduction of fees.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read a second time, and *committed* for *Wednesday* 29th June.

SUMMARY JURISDICTION (IRELAND) BILL.—[BILL 33.]

(*Mr. Litton, Mr. Errington, Mr. Broadhurst.*)

SECOND READING. ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [6th April], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

THE SOLICITOR GENERAL FOR IRELAND (Mr. W. M. JOHNSON) said, that on one of the earlier occasions when this Bill was before the House, he pointed out several matters in which the Bill fell short, others in which it exceeded the requirements of the law, and also that it proposed to enact provisions which were already existing in the law. He had since come to the conclusion, after full consideration, that the best course would be for his hon. and learned Friend the Member for Tyrone (Mr. Litton) to withdraw the Bill, and, if he did so, he (the Solicitor General for Ireland) would undertake next Session, on the part of the Government, to bring in a Bill to amend summary procedure in those matters in which it required amendment.

MR. LITTON said, that under the circumstances, and looking at the state of Business, he did not think he would be justified in occupying the time of the House by proceeding with this Bill, especially as the hon. and learned Gentleman the Solicitor General for Ireland had so far expressed his sanction of the general principle of the Bill as to give an undertaking that next Session the Government would bring in a measure to assimilate the law in Ireland to that of England.

Motion, by leave, *withdrawn.*

Bill *withdrawn.*

SALE OF INTOXICATING LIQUORS ON SUNDAY (WALES) BILL.—[BILL 33.]

(*Mr. Roberts, Mr. Richard, Mr. Samuel Holland, Mr. Hussey Vivian, Mr. Rathbone.*)

COMMITTEE.

Order for Committee read.

MR. CARBUTT, in moving that it be an Instruction to the Committee to include Monmouthshire in the provisions of the Bill, said, he believed more than one-half of the inhabitants of Monmouthshire were Welsh. They were Welsh in language, religion, and feeling, and they did not wish to be separated from those whom they considered their brothers. In ancient times Monmouthshire formed part of the dominion of Wales; but by the Reform Act of 1832, Monmouthshire was included in England. The boundary between Monmouth and Wales consisted entirely of manufactories and collieries, with some 25,000 inhabitants; and these people would, if the Bill passed in its present shape, be able to cross the river Rumney into Monmouth and find all the public-houses open. If Monmouthshire was included in the scope of the Bill, the boundary would consist of an agricultural district, and the inhabitants would have no means of passing to a purely English county to get intoxicating liquors. It was the general wish of the inhabitants that Monmouthshire should be included in the Bill, and at a public meeting in Newport a resolution to that effect was carried by 5 to 1. A house-to-house canvass had been made on the subject in Ebbw Vale, a large manufacturing district, and 90 per cent were in favour of the total closing of public-houses on Sundays. He therefore moved that it be an Instruction to the Committee to include Monmouthshire within the operation of the Bill.

MR. C. H. JAMES, in seconding the Motion, said, that, as regarded the legal question, there could not be any doubt that by the effect of certain Acts of Parliament Monmouthshire was excluded from Wales; but they were now dealing with a social question, and they should consider whether the inhabitants of Monmouthshire, although not legally Welsh people, were not Welsh people in feeling, and it was well known that they entertained a strong feeling with regard to Sunday closing, The South Wales sentiment on this question ran over, as it were, into Monmouthshire, and therefore he felt convinced that that county ought to be included in the provisions of the Bill. Unless it was so included, the colliers in the villages all along the Glamorganshire side of the river Rumney would simply have to cross a bridge to the Monmouthshire side, and then be able to "boose" as they liked on Sundays.

Motion made, and Question proposed,

"That it be an Instruction to the Committee, That they have power to extend the provisions of the Bill to Monmouthshire."—(*Mr. Carbutt.*)

THE ATTORNEY GENERAL (Sir HENRY JAMES) said, he did not wish to enter into the historical part of the question; but there was no doubt Monmouthshire was now part of England. Previously to the Reign of Henry VIII., Wales consisted of eight counties, and when Henry VIII. deemed it right to establish his authority clearly and distinctly, and to establish a good administration of the law in that district, he added four counties to his Kingdom of Wales—Brecon, Radnor, Merioneth and Denbigh—a portion of the Welsh marches he attached to Shropshire, another portion to Herefordshire, the Forest of Dean to Gloucestershire, and he created the new county of Monmouth; and the Statute which created that distinction declared that henceforth the law of England, as distinct from Wales, was to be administered in Monmouthshire. In a subsequent Act it was declared that the Kingdom of Wales consisted of 12 counties. From that time, not only in the administration of the law, but in Acts of Parliament, Monmouthshire had always been treated as a portion of England and not of Wales. It had never been anything more than belonging to the Welsh marches. He was sorry to have to meet the Motion with a negative; but he felt that it would be, as a matter of principle, dangerous and inexpedient to yield to it. It would be carrying the principle of separate legislation for portions of the United Kingdom to the fullest extent to legislate for Wales and for one county of England. If they were to legislate for the county of Monmouthshire there was no reason why they should not legislate for a portion of a county, or even for a particular town or parish. Although Monmouthshire was a Welsh-speaking district, that was not sufficient to justify the adoption of separate and distinct legislation.

MR. MORGAN LLOYD said, although he agreed with the Motion, he hoped the hon. Member for the Monmouthshire Boroughs would not endanger the Bill by pressing it. If he went to a division the danger was that the Bill might be lost altogether.

MR. WARTON said, he must express his intense satisfaction at the speech of the hon. and learned Gentleman the Attorney General. In one sense, however, that speech had been delivered too late. It ought to have been given on the Motion for the second reading of the Bill, for it completely advanced the argument which he (Mr. Warton) used in opposition to the second reading, and showed that when the hon and learned Attorney General broke himself away from Party politics, he could as clearly as possible expose the fallacies of Liberal legislation. The great fallacy was in trying to set up different little laws all over England, breaking the United Kingdom into sections for the purpose of carrying out the fads and fancies of fanatics. If the Principality was to be separated, why not the counties? The hon. and learned Attorney General had pointed out the *reductio ad absurdum.* This showed what would become of local option and other attempts to fritter the government of this Empire into ridiculously small parts to suit the fancies of localities. It was not too late for the Government to consider the course on which they were now proceeding. The hon. Member for Merthyr Tydfil (Mr. C. H. James) had thrown some light upon this subject. He had told them that the miners would pass across the river into Monmouthshire for the purpose of "boosing" on Sundays. The hon. Member had also told the House that the whole feeling of Wales was in favour of this Bill. If that were the case, why should these poor Welshmen want to get across the river to get drink? The fact was, they were men before they were Welshmen, and if they wanted drink, they would get it, whether that Bill was passed or not. That showed what utter nonsense the whole Bill was. Men ought to be allowed to drink what they liked, and they ought not to be restrained from drinking by people who did not drink themselves.

Question put, and *negatived.*

MR. CARBUTT said, he had challenged a division.

MR. SPEAKER said, that the challenge had not reached him. In any case, it was too late to take that course now.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

VISCOUNT EMLYN said, that before the Speaker left the Chair he must ask the House to consider not only what had taken place this Session, but also on the same subject last Session. When this Bill came up last year, they were told that the licensing question had been already before the House; that several Resolutions were passed, one as to local option, one as to Sunday closing not merely as applied to Wales, and on that occasion the Prime Minister stated the question of the Licensing Laws was to be dealt with by the present Government, and that local option was one of the main points to which they would direct their attention. But when the Bill now under consideration came before the House, the hon. Member for Warwick (Mr. Peel), speaking on behalf of the Government, declined to vote for the Bill. The hon. Member on that occasion said—

> "He thought they were getting into somewhat of a strange position in regard to the licensing question generally. They had already passed a number of abstract Resolutions, and abstract Resolutions of a particularly abstract character. The other night the Resolution on local option was carried by a majority which he thought was unexpected, and which reversed the opinion come to by the last Parliament. They had also passed a Resolution on Sunday closing in uncompromising terms. It was quite true that immediately afterwards an Amendment was passed unanimously, or at least without a division, recognizing the importance of making a distinction between the country and the Metropolis. . : . . It was, perhaps, necessary to remind the House of what the Prime Minister had said that the question of licensing would form an essential portion of the work to be done by the present Parliament, and the right hon. Gentleman went further and said that in his opinion an integral portion of that measure would have to be local option."

The hon. Member then proceeded to state on behalf of the Government that—

> "By passing such abstract Resolutions as had been passed, and by passing this Bill, they would heap up such a multitude of recorded opinions of the House that it would be extremely difficult to deal with the whole question when it was taken in hand. . . . . He could not but see that great difficulties were likely to arise from passing a Bill which laid down, in a sweeping manner, that all public-houses in Wales during Sunday were to be closed."—[3 *Hansard*, cclii. 1178-9.]

That was the official statement on behalf of the Government last Session. He (Viscount Emlyn) wanted to know what change had taken place in the position of the question which had now induced the Government to come forward and back up this Bill with the weight of their authority? They officially stated one thing one Session, and changed their minds absolutely before the next. A great point was made by the Prime Minister of the unanimity of Wales upon this subject. It was quite true that an endless number of Petitions had been showered in in favour of this Bill; but since the Government had pledged themselves to assist the measure he found a curious change had come over the Welsh people, and many towns were now loudly crying out and petitioning to be excluded from the provisions of the Bill. He could assure the House that the feeling in Wales was by no means unanimous in respect to the Bill.

MR. WARTON, in moving that the House resolve itself into the said Committee that day six months, remarked that the Government had changed their mind on this question, because when they first came into power they had not determined which section of the Radical Party was to lead and which was to follow; but it was now perfectly clear that the Radicals outnumbered the Liberals, and the Government were shaping their policy accordingly.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee,"—(*Mr. Warton,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ASHMEAD-BARTLETT said, he would also urge the Government to state whether they intended to give some explanation of their change of front.

MR. COURTNEY said, he did not think that any explanation was required. There really had been no change of front. When the Bill had come on for its second reading, the Prime Minister had expressed a hope that it would pass that stage, seeing the amount of local feeling by which it was supported; and he (Mr. Courtney) thought he would be doing his best to facilitate the progress of the Bill by saying as few words as possible now.

MR. P. A. TAYLOR said, he did not think the hon. Gentleman had answered the question. No reason for the change of opinion referred to had been given, and thus a further illustration had been afforded of the force of the words written by the author of the "Biglow Papers"—

> "A merciful Providence fashioned us holler,
> A-purpose that we might our principles swaller."

He (Mr. P. A. Taylor) had already stated his reasons for opposing the Bill, and he had since seen no reason to alter them. He felt bound to renew that opposition, thinking, as he did, that its object was an unjust one. They had now before them a strange kind of animal, known by the name of local option, of which very few of them knew very much. He had not voted against local option, because he held with Mr. Mill that regulation was justifiable, and because he preferred that it should be in the hands of the people rather than of the magistrates; but the light afforded by this Bill would suffice to show them all what local option would mean as soon as the Temperance Party came into the possession of a little power. There was in the country a large Party recognizable as the Party of conscious virtue, and their tenets consisted of oppressing the poorer members of the community. This Party was divided into two sections, the Sabbatarians and the Teetotallers, and when they united their forces it was almost impossible to resist them. Every now and then the leaders of these two sections seemed to meet for the purpose of discussing whether there was not something fresh they could do in the way of oppression—whether there was not some new portion of the community whose little enjoyments they could interfere with. They could not carry out their beneficent tyranny here in London, because they knew they might have the Hyde Park riots over again. Having succeeded in Scotland, and finding that England would not yet stand it, they had resolved to see what they could do with the little unfortunate population down in Wales; and, accordingly, the whole power of agitation had been put in motion to limit the liberties of the people of Wales. They obtained the signatures—repeated probably a considerable number of times—of Sunday scholars and of large classes of people with this peculiarity, that the Bill would not touch them in any way. It was said that the people of Wales were unanimously in favour of the Bill. Well, if they were, what necessity was there for the Bill? No one wanted to force beer on Sundays down the unwilling throats of the people of Wales. In proportion as they were desirous of being sober on Sundays, the necessity for such a Bill diminished. It was, however, a strange fact that while the Welsh people were unanimous—as it was said—in favour of the Bill, their Representatives expressed a fear that if Monmouthshire were not included within its operation, thousands of them would cross the border on Sundays in order to reach the public-houses. For his part, he found it somewhat difficult to reconcile these assertions. He had received a letter from one of the largest towns in Wales thanking him for his opposition to the Bill, begging him to continue it, and expressing the hope that they might be exempted from its operation if it should pass. But if the Bill could not be thrown out, he would be no party to exemptions, because it was by exemptions that the poorer classes became burdened with the weight of a measure of this kind.

Question put.

The House *divided*:—Ayes 123; Noes 29: Majority 94.—(Div. List, No. 251.)

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Preamble *postponed*.

Clause 1 (Premises where intoxicating liquors sold to be closed on Sundays in Wales).

SIR HARDINGE GIFFARD proposed to insert in the clause words to exempt the borough of Cardiff from the operation of the Bill. This was one of two boroughs upon which he proposed to take the opinion of the Committee. The Bill as it stood was applicable to Wales generally; but there was a large floating population in the borough of Cardiff, and he had presented a Petition signed by 16,000 of the adult inhabitants of the town against the application of the measure to Cardiff. He was aware that there had been a Petition presented on the other side, even signed by a larger number of names; but he must tell the Committee that he had been assured an examination of that Petition would show that it bore the signatures of a good many of the junior members of the families of the gentlemen who had signed the Petition he had himself presented. Indeed, he was informed by those who had placed the Petition in his hands that although one gentleman, who was an adult and the head of a family, signed the Petition in favour of the exemption of Cardiff from the operation of the Bill, there were no less than five juvenile members of the same family, of various ages, one as old as 4 and the eldest having reached the mature age of 12, and all of them attending a Sunday school, had placed their names to the Petition in favour of the measure. The head of the family did not himself adopt the view of the rest of the family, but he thought he had a right to have an opinion upon the subject as well as his children of that tender age. But, apart from the question of the number who had signed the respective Petitions, there were circumstances to which he would invite the attention of the hon. Member for Cardiff (Sir Edward Reed) if he happened to be present. The population of Cardiff differed very much from that of Wales generally. It was a great commercial centre; it had a large floating population, and, he believed, with the exception of six or seven, every licensed victualler in Cardiff had signed a Petition asking that Cardiff should be exempted from the operation of the Bill. He did not know that that in itself was a very powerful argument, except as a reply to the allegation made on the second reading of the Bill that the licensed victuallers themselves desired this legislation. He was told that in Cardiff particularly, if this Bill passed as it now stood, an evil existed which would be very considerably augmented—and that was the establishment of working men's clubs, which were only intended for the purpose of enabling the members to get drink. In these clubs the people were able to get just as much drink as they could get in the public-houses; but they got it without any of the police supervision or regulation that was enforced in the case of properly-regulated public-houses. These were the statements which had been made to him as a reason why this Amendment exempting the town of Cardiff should be moved. He must say that his acquaintance with Cardiff extended over a considerable number of years. He therefore knew the inhabitants well, and he believed there was ample foundation for the distinction now sought to be established between the town of Cardiff and the rural population of Wales.

Amendment proposed, in page 1, line 10, after the word "Wales," to insert the words "except the borough of Cardiff."—(*Sir Hardinge Giffard.*)

Question proposed, "That those words be there inserted."

MR. P. A. TAYLOR said, he must object to the limitation of the provisions of the Bill, however tyrannical he regarded them. He had no doubt that the people in the town whose claims were represented by the hon. and learned Gentleman were highly respectable and wealthy; yet, simply because they had greater political power, it was asked that they should be exempted from the operation of a measure which was nevertheless to be imposed upon the lowest and most helpless classes of the community. That would be class legislation in its worst form, and he should certainly divide the Committee against it. He had himself received a Petition against the Bill from one of the large towns of Wales. It was signed by a majority of the people in the town, and especially of the working classes. He had no hesitation, however, in saying that although he regarded the Bill as a vicious measure, he would not vote for the exemption of any part of Wales from its operation.

MR. WARTON (who rose amid loud calls for a division), said, the question was one of too much consequence to be decided hastily. It was a constant but a very bad habit on the part of the other side of the House to call out "Divide!" before a question had been properly considered. It was not altogether a question between the poorer classes of the rural population of Wales and the wealthier district of Cardiff; but in regard to Cardiff another question came in. Cardiff was a large and important sea-port. It did not consist simply of Welshmen who wanted to hinder other people from drinking, but it comprised a large number of sailors. [*Cries of* "Divide!"] Those who shouted out "Divide!" evidently did not know how many sailors there were in Cardiff. Why should we tell all foreign nations, through their sailors, that we had passed this extraordinary law, and that the English people could not trust the inhabitants of a particular part of the people to have beer on a Sunday? They certainly would go away under the impression that Wales was a most degraded part of the United Kingdom, and such a horrible place of wickedness that no portion of the people could be trusted with half-a-pint of anything. But, however wise it might be to give Welshmen the power of tyrannizing over the majority of their own population, was it wise that they should tyrannize over the foreign sailors who frequented their port? After working hard at sea they had surely a right to enjoy themselves in harbour. Was it considered wrong that a sailor should occasionally have a little pleasure and enjoyment? He presumed the reason why the sailors were not to be cared for was that they did not possess votes, and that they were not canvassed by the great Liberal Party in Wales. They were only a fluctuating population; but, nevertheless, he did hope that hon. Members would seriously consider the question whether it was wise to tell all the nations of the earth, by means of the sailors who frequented the port of Cardiff, that the Welsh were not a people who could be trusted with drink.

Mr. W. H. JAMES said, they had heard a great deal about the tyranny of the majority; but it appeared to him that in these discussions they were placed more or less under the tyranny of the minority, or, what was even worse, the tyranny of one man. The course taken by the hon. and learned Member for Bridport (Mr. Warton) was becoming almost intolerable. [*Cries of* "Question!"] It was intolerable that these interruptions to the progress of Public Business should constantly proceed from one Member.

The CHAIRMAN: I must remind the hon. Member for Gateshead that the question is simply whether the borough of Cardiff should be exempted from the operation of the Bill.

Viscount EMLYN did not think that the remarks of the hon. Member who had just sat down would tend very much to facilitate the progress of the Bill. If every hon. Member regarded it as his special duty to get up and lecture every other Member who happened to differ from him, the discussions which took place in the House were likely to be very much prolonged. With regard to the Amendment moved by his hon. and learned Friend the Member for Launceston (Sir Hardinge Giffard), he wished to state the reason why he could not give it his support. He did not approve of the Bill, and he had already entered his protest against it. But if the measure was to pass, let the large towns feel the weight of it. The practice of signing Petitions off-hand was becoming a great nuisance. They all knew how Petitions were got up. As a rule, they were not got up by the localities, but were sent down from head-quarters; and probably some of the hon. Gentlemen sitting below the Gangway could tell where they came from. He believed that the Petitions sent up from Cardiff upon this question represented more than the entire adult population of the town, and certainly to that extent their value was diminished. But the first thing they found, when it was thought that the Bill would pass, was a cry from Cardiff and all the large towns —"For goodness sake, don't let us come under it!" They were perfectly ready that everybody else should come under it, but they were anxious to back out of it themselves. He presumed, from the courtesy with which he was received by the Government Bench when he asked for information as to any change of policy on the part of the Ministry, that he could hardly expect to receive further information now as to their views. The hon. Gentleman the Under Secretary of State for the Home Department said the Government had not changed their opinions; but he said nothing of the opinions expressed last Session on behalf of the Government by the hon. Gentleman who recently held the Office which he (Mr. Courtney) now held.

MR. CAINE remarked, that a good deal of stress had been laid upon the way in which the Petitions from Cardiff in favour of the Bill were signed. He therefore wished to call the attention of the Committee to a Minute from the Report of the Committee on Petitions, stating that the Petition presented by the hon. and learned Member for Launceston (Sir Hardinge Giffard) from Cardiff had a large number of names appended to it which had been signed more than once, and that many of them were in the same handwriting. He had gone carefully through the Petition, and he thought that the Committee had made a very mild Report upon it.

SIR HARDINGE GIFFARD thought that one or two of the observations which had been made in the course of the discussion might have been spared. He believed that a Petition, which purported to come from 16,000 inhabitants, was entitled, at the least, to mention. He only wished to add that, in moving the Amendment, he was following exactly the same precedent as that taken upon the Irish Sunday Closing Bill when it was proposed that five large towns, some of them with a less population than Cardiff, should be exempted from the operation of the Bill. He had taken the trouble, not only to read the Petition, but to send for the persons who had prepared it, and they told him that although, peradventure, when lying in the office there might have one or two cases such as the hon. Member for Scarborough (Mr. Caine) had referred to, yet that in substance and in fact the Petition did represent the feeling of a considerable portion of the adult population of Cardiff. Then surely that was a matter which ought to be considered. He was quite aware that he had been told more than once that on this subject he was in a minority; but it was only recently that he had learned that minorities had no rights.

Question put.

The Committee *divided:* Ayes 27; Noes 118: Majority 91.—(Div. List, No. 252.)

SIR HARDINGE GIFFARD said, he had also intended to move the exemption of the borough of Swansea from the operation of the Bill; but, after the decision at which the Committeee had already arrived, he did not propose to divide again.

Clause *agreed to.*

Clause 2 (Application of Licensing Acts).

MR. WARTON wished to ask the hon. Member in charge of the Bill whether, under this section, any provision was made for *bonâ fide* travellers?

MR. ROBERTS said, the exceptions were in accordance with the Acts of 1872 and 1874.

Clause *agreed to.*

Clauses 3 and 4 *agreed to.*

MR. R. BRUCE moved, after Clause 3, to insert the following Clause:—

(Sale of intoxicating liquors at railway stations.)

"Nothing in this Act contained shall preclude the sale at any time at a railway station of intoxicating liquors to persons arriving at or departing from such station by railway."

Question, "That the Clause be there added," put, and *agreed to.*

Preamble *agreed to.*

Bill *reported;* as amended, to be considered upon *Friday.*

WAYS AND MEANS.

Resolution [June 14] *reported*, and *agreed to.*

Instruction to the Committee on the Consolidated Fund (No. 3) Bill, That they have power to make provision therein pursuant to the said Resolution.

COURT OF BANKRUPTCY (IRELAND) (OFFICERS AND CLERKS) BILL.

On Motion of Mr. ATTORNEY GENERAL for IRELAND, Bill to amend the Law relating to the Official Staff of the Court of Bankruptcy in Ireland, *ordered* to be brought in by Mr. ATTORNEY GENERAL for IRELAND and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 189.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 16*th June*, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Petty Sessions Clerks (Ireland) * (113); Post Office (Land) * (114); Local Government Provisional Orders (Askern, &c.) * (115); Local Government Provisional Orders (Horfield, &c.) * (116); Wild Birds Protection Act, 1880, Amendment * (118).

Second Reading — Water Provisional Orders * (102).

Committee—Married Women's Property (Scotland) (75); Local Government Provisional Order (Birmingham) * (94).

Third Reading — Fugitive Offenders * (91); Local Government (Ireland) Provisional Orders (Bandon, &c.) * (105); Local Government Provisional Orders (Halifax, &c.) * (106), and *passed.*

MARRIED WOMEN'S PROPERTY (SCOTLAND) BILL.—(No. 75.)

(*The Lord Chancellor.*)

COMMITTEE.

House in Committee (according to Order).

Clause 1 (Wife married after date of Act to have separate estates in movables).

THE LORD CHANCELLOR said, he wished to move the Amendments on the Paper in his name. There were some further verbal Amendments he would have to propose when they came to the Report, which he proposed to put on the Paper for this day week. At present he would simply move the Amendments of which he had given Notice.

THE MARQUESS OF SALISBURY said, the noble and learned Lord had not taken notice of the Amendments suggested by his noble and learned Friend (Earl Cairns) to avoid the confusion which might arise in cases where the marriage had taken place in Scotland, but the parties had subsequently come to reside in England.

THE LORD CHANCELLOR said, that if the husband died domiciled in Scotland, the clause as it stood was right. If, on the other hand, he changed his domicile, and acquired an English domicile, beyond all doubt the English law would govern the matter. The clause would only apply where the domicile continued Scotch.

Amendment *moved,*

In page 2, line 5, after ("estate") add ("after but not before the claims of the other creditors of the husband for valuable consideration in money or money's worth have been satisfied.")—(*The Lord Chancellor.*)

Amendment *agreed to.*

Clauses 2 to 4 *agreed to.*

Clause 5 (Husband's consent dispensed with in certain cases).

On Motion of the LORD CHANCELLOR the following Amendments were made:—Page 2, line 38, leave out ("at his discretion"); lines 40 and 41, leave out after ("estate") in line 40 to the end of the clause.

Clause, as amended, *agreed to.*

Clause 6 *agreed to.*

Clause 7 *omitted.*

Remaining Clauses *agreed to.*

The Report of the Amendments to be received on *Thursday* next.

CRIMINAL LAW — MURDER AT SOLIHULL.—OBSERVATIONS.

THE EARL OF DARTMOUTH rose to call the attention of the House to the circumstances attending the death of John Gateley at Solihull in Warwickshire, on Sunday, 5th December 1880, the coroner's jury having brought in a verdict of wilful murder with reference to the same. The noble Earl, in bringing the matter before the notice of their Lordships, disclaimed the wish to cast any reflection on the conduct either of the Warwickshire police or of the Home Department. As a resident employer of labour in the Midland Counties, however, he felt he was not going beyond his province in calling attention to the facts of the case, which he regarded as a very strong one. On Sunday, the 5th of December, about 2 o'clock in the afternoon, there were assembled in a beershop called the Gardeners' Arms, in the village of Solihull, some six miles from Birmingham, a number of Irishmen and others, drinking. John Gateley, the man whose name was mentioned in his Notice, was of the party. John Gateley was in the employment of a Mr. Graham, of Yardley. Mr. Graham stated at the inquest that Gateley had been in his employment for about two years, that he was an honest, trustworthy man, and very much liked by everyone who knew him, and very much respected. He never heard that he had enemies in the neighbourhood. Mr. Graham, who was a horse dealer, and was naturally anxious to know the business of persons whom he saw hanging about his premises, noticed on one occasion a stranger talking to Gateley, who, in answer to an inquiry about the man, stated he was a friend of his. While Gateley was drinking in the beer-shop there came in three men, apparently Irishmen, one of them having on a long Ulster coat, which was an unusual dress for an Irishman to be seen in in that neighbourhood. John Johnson, the barman, stated at the inquest that he went into the parlour and saw there Gateley and the strange men standing behind the door drinking together; but he noticed that the man who was supposed to have done the deed, and who was sitting close against the door, drank very little. The man was dressed in a gray Ulster, and he heard him say to Gateley—"You must do something in this." Gateley and the men then got up and whispered together, and talked in Irish, which the witness could not understand. Shortly afterwards Gateley and the man in the Ulster went out in the yard, and the man followed. In a few minutes afterwards the witness heard the report of a pistol. He went into the yard, but saw no one except Gateley, who was lying on his back. The man in the gray Ulster had passed through the house, saying as he went that there had been an accident, and he went in the direction of the railway station. The jury did not believe that it was an accident, but brought in a verdict of wilful murder against some person or persons unknown. The man in the gray Ulster and his friends disappeared then and there. Gateley being found in a dying state, a priest and a doctor were sent for, and the police endeavoured to get some of the Irishmen whom they met on the road to help to carry the dying man to the workhouse, which they finally did, by order of the Rev. Canon O'Sullivan, a Roman Catholic Canon of the Cathedral of Birmingham. The evidence of Thomas Morton, a waggoner, went to show the effect that was produced by the occurrence, and which he believed it was intended to produce. Morton said that he was in the taproom, writing, when the pistol was fired, and he had just finished writing when Gateley was brought into the room. He asked no questions, because a policeman was there. The policeman was in private clothes, and arrived about a quarter of an hour after the explosion. Asked if the landlady appealed to him to follow the men who had left, the witness said he did not hear anything of the kind; and though he thought it a bad job he did nothing, considering that it was no business of his. Mrs. Gibbs, the landlady, stated that she asked which way the men had gone, and one of the men in the house said they had gone towards the railway station, and she appealed to them to follow; but they would not, and one of them said—"Not me; there's danger about." The constable gave evidence that after the shot he got two Irishmen, and asked them to help the injured man to the Union; but they said it was no business of theirs. Any resident in the Midland Counties, as he was, had a right to say that this outrage was perfectly unparalleled and unprecedented. No clue had been found to the man in the gray Ulster. Of course it was impossible to say what the motives for this cold-blooded murder were; but one might gather from the evidence before the Coroner's jury that it was intended to strike terror into the unfortunate Irishmen in the neighbourhood, and perhaps to punish the unfortunate man himself. He could not forget that about the time of this outrage there were seven attempts to blow up public buildings, including the attack upon the Salford Barracks, on which occasion an innocent woman and boy were killed, and that there were apprehensions of attempts upon Volunteer armouries. Though he did not wish to impute motives to anyone, those who remembered the strong expressions used during the Election campaign in Lancashire and Mid Lothian would not fail to think that there might be some persons in the Sister Island who believed that outrage and violence might produce an effect in the direction of bringing certain questions within the range of practical politics. As the case of Gateley was a very strong one, he thought he had not done wrong in bringing it under the notice of their Lordships, and he thanked them for the attention with which they had heard his remarks.

THE EARL OF DALHOUSIE said, he had some difficulty in making a reply to the speech of the noble Earl, as he could not discover the object of his remarks; but it appeared to be a most ingenious attack upon the speeches of Mr. Gladstone when in Mid Lothian last year. He must congratulate the noble Earl upon his great ingenuity. The noble Earl had referred to the evidence; but he (the Earl of Dalhousie) would read a letter which had been received from the Coroner, and in it he found it stated that the evidence at the inquest was equally consistent with murder or accident. The extraordinary part of the story was that, considering it was midday on a Sunday and many persons about, no attempt was made to arrest the man who was seen with the pistol in his hand. The noble Earl had referred to other outrages which had occurred, and seemed to connect this one with them; but he had not produced—nor was he (the Earl of Dalhousie) aware that he was able to produce—any arguments in support of such a view. He thought it right to state that the dying depositions of Gateley were to the effect that he himself believed he had no enemies; and he had the best authority for saying that Gateley also told the priest that he believed the affair was an accident. There was nothing whatever in the evidence to lead to the conclusion that it was a murder beyond the fact that the man who fired the pistol walked away towards the railway station—he did not even run. The dying man himself was of the opinion that his death was caused by accident, and was not a murder. He did not consider that the noble Earl had succeeded in his attempt to connect the death of Gateley with the attempts made to cause explosions in some other parts of the country, any more than he had succeeded in connecting them with Mr. Gladstone's speeches in Mid Lothian.

WILD BIRDS PROTECTION ACT, 1880, AMENDMENT BILL [H.L.]

A Bill to explain the Wild Birds Protection Act, 1880—Was *presented* by The Lord RAMSAY; read 1ª. (No. 118.)

House adjourned at a quarter before Six o'clock, till To-morrow, Eleven o'clock.

HOUSE OF COMMONS,

Thursday, 16*th June*, 1881.

MINUTES.]—PUBLIC BILLS—*Committee*—Land Law (Ireland) [135]—R.P.

Committee — Report — Reformatory Institutions (Ireland) * [18-190].

Considered as amended — Consolidated Fund (No. 3) *.

Third Reading—Local Government Provisional Orders (Askern, &c.) * [152], and *passed*.

Withdrawn—Blind and Deaf-Mute Children [85].

QUESTIONS.

ARMY (AUXILIARY FORCES)—PAYMENT OF MILITIAMEN.

MR. RATHBONE asked the Financial Secretary to the War Department, Whether his attention has been drawn to a statement in the "Carnarvonshire Herald" of the drunkenness and disorder created by the present mode of paying Militiamen; and, whether he will take steps, both with regard to Militiamen and Army Pensioners, to establish the same mode of payment by remittances which has been found to work so advantageously with Navy and Police Pensioners?

MR. CAMPBELL-BANNERMAN: In answer to my hon. Friend, I have to say that I have seen the article referred to, and have made inquiry into the circumstances, and I find the statements made in it are, to say the least, greatly exaggerated. The Carnarvonshire Militia, a regiment about 800 strong, was dismissed from training on Saturday, May 21. On the following Monday 25 persons were brought up before the magistrates for drunkenness. Of these only 13 were Militiamen—all residents in Carnarvon—and they were not charged with being disorderly, but only with being drunk. At Bangor also, which is a few miles distant, at the first petty sessions after the breaking up of the Militia, out of 19 cases of drunkenness brought up three only were Militiamen. Saturday, the 21st, was market day, and was also a monthly pay day among the quarrymen, so that a much larger sum was distributed in the town than was paid to Militiamen on that day. I have also seen a Report from the Chief Constable, in which he says that on the occasion referred to drunkenness did not prevail to such an extent as to attract any special attention, and that the men of the Militia were, for the most part, quiet and orderly. I have thought it right to mention these facts in order to clear the character of the regiment. With regard to the system of payment, I can assure my hon. Friend that we are quite alive to the importance of adopting any method which would prevent abuse or avoid temptation. Under the Militia Regulations a commanding officer may, at his discretion, use Post Office orders for paying the bounty, and this power is employed, in many cases, with great advantage; but it depends upon the circumstances of the residence and occupation of the men whether such a plan is applicable. As regards the payment of Army pensioners, we are, at present, inquiring whether some other arrangement, such as that suggested by my hon. Friend, may not be substituted for the method now in practice, and a Committee of consultation with the Post Office will consider the question. I must add, however, that we cannot but foresee serious difficulties in carrying out such an arrangement.

STATE OF IRELAND — EVICTIONS IN MOHILL UNION, CO. LEITRIM.

MR. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the increasing number of evictions carried out in the Mohill Union, county Leitrim; whether eighty-eight evictions have been carried out in the Mohill Union since January last; whether it is true that Colonel Clements has evicted twenty-three tenants; Mr. J. Irwin, sixteen tenants; Mr. J. Madden twelve tenants; Colonel Forbes seven tenants; Mr. John Latouche nine tenants; Captain White six tenants; whether these landlords are justices of the peace; whether they have been assisted in carrying out these evictions by the Police and Military; and, whether the Government intends to adopt any proposal by which evictions may be suspended until the settlement of the Land Bill?

The following Question was put at the same time, on behalf of Mr. TOTTENHAM:—Whether the total number of evictions in the Mohill Union, county Leitrim, since 1st January last has been fifty-three; whether of the tenants evicted four owed four years' rent; seven, three years' rent; four, two and a half years' rent; twenty-two, one and a half years' rent up to November 1880; whether three of the evictions were the result of private proceedings for debts unconnected with the landlords; whether it is the fact that Mr. J. Madden has carried out no evictions whatever since January last, or for a length of time before that date, and whether the following are the correct numbers of evictions in other cases, viz.:—Mr. Irwin three, Colonel Clements nineteen, Colonel Forbes two, Mr. John Latouche four; whether he has information which shows that in every case on Colonel Clements' and Mr. Irwin's estates the evicted tenants were re-admitted as caretakers, pending redemption; and, whether in many other cases, where three and four years' rent was due, the agents offered to accept one year's rent, which was refused, though amount of claim was paid immediately after eviction?

MR. W. E. FORSTER: The hon. Member for Ennis first gave Notice of his Question a week or two ago. Up to that time the total number of evictions in the Mohill Union, since January 1, was 49, not 88, as suggested in the Question of the hon. Member. The number of tenants evicted is also incorrectly given in the Question. The correct numbers are, on Colonel Clements' estate, 19 instead of 23; on Mr. Irwin's none, instead of 16; on Mr. Madden's 9, instead of 12; on Mr. Latouche's, 7, instead of 9; and on Captain White's, 3 instead of 6. I believe those gentlemen are Justices of the Peace. The Constabulary attended at all these evictions, and on three occasions a military force was present. This answer also covers most of the Question of the hon. Member for Leitrim. That hon. Member puts the evictions at 53 instead of 49. There may, however, have been some additional cases of evictions since the hon. Member for Ennis first gave Notice of his Question. In the case of a large number of these evictions, I find that as much as three years' rent was due, and in two cases no rent had been paid since May, 1876. The evicted tenants, with the exception of 12, were all re-admitted as caretakers. In one case, that of a tenant of Colonel Clements, the tenant paid. There has been no case taken by a landlord not acting as a landlord with a view to the recovery of debt.

Mr. GIBSON asked if the Return which the right hon. Gentleman had promised would contain a column showing the cases in which tenants were re-admitted as caretakers or tenants?

Mr. W. E. FORSTER said, he did not know to what promise allusion was made; but he was putting on the Table that day a Return of the first quarter, which he thought showed what the right hon. and learned Gentleman wanted. He would give the Return for the current quarter as soon as possible that would include all evictions.

JAPAN—NEWSPAPERS.

Mr. O'DONNELL asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in the "Journal des Debats" of the 10th instant, that in 1878 Sir Harry Parkes, Minister to Japan, issued a decree punishing any British subject who should publish a newspaper in the Japanese language with imprisonment with or without hard labour; and, whether, if so, the decree is operative?

Sir CHARLES W. DILKE: A Regulation prohibiting British subjects from printing and publishing newspapers in Japan in the Japanese language was issued by Her Majesty's Minister to Japan in February, 1876, and was approved by the Government of that day, on the advice of the Law Officers of the Crown. It was stated at the time that this step was taken by Her Majesty's Minister to Japan on the application of the Japanese Government, who represented that the publication of newspapers in the Japanese language by foreigners, who are not amenable to their jurisdiction, would be subversive of internal order, and would cause grave injury to the public interests of Japan. The Regulation was issued under the China and Japan Order in Council, 1865 (sections 85, 86, 88, and 90), and the penalty attached to it was the ordinary penalty prescribed by the Order in Council for breaches of all Regulations made under that Order—namely,

> "Liability to imprisonment for any term not exceeding three months, with or without hard labour, and with or without a fine not exceeding 500 dollars, or a fine not exceeding 500 dollars without imprisonment."

The amonnt of the penalty actually inflicted in any case would be in the discretion of the Court hearing the charge. No case has arisen, either of a prosecution being instituted or of a penalty being inflicted under this newspaper Regulation.

TURKEY—RANSOMS OF BRITISH SUBJECTS CAPTURED BY BRIGANDS.

Mr. BRIGGS asked the First Lord of the Treasury, Whether, in consequence of the continued delay by the Turkish Government in repaying the ransoms of two British subjects captured by brigands in Turkish territory, he will consider the advisability of recouping the Treasury out of the surplus revenues of Cyprus?

Mr. GLADSTONE, in reply, said, he was not in a position to make a definite statement on this subject, inasmuch as Cyprus might be the subject of other arrangements. All he could say at the present moment in answer to the Question was that the matter was under consideration; and the Government would, of course, act in the best manner in their power, and make known before any very long time the result of their decision.

ARMY (AUXILIARY FORCES)—THE KENT MILITIA.

Mr. O'DONNELL asked the Secretary of State for War, Whether his attention has been directed to a paragraph which appeared in the "Kent Coast Times" of the 2nd instant, giving a very detailed account of the ill-treatment of a young officer of the Kent Militia by other officers of that Regiment; whether the War Office has received any information on the subject; and, whether Government have considered it necessary to take any steps for the ensuring better conduct among the officers of the Kent Militia?

Mr. CHILDERS: In reply to the Question of the hon. Member, I have to state that my attention, and that of the Duke of Cambridge, was called to a paragraph in a local paper on the subject, and that inquiries, which are not yet completed, have been made as to the disgraceful conduct imputed to some

Militia officers at Canterbury. When those inquiries are complete we shall take whatever steps may appear necessary.

MR. O'DONNELL suggested that it might be convenient to repeat the Question in a fortnight's time.

MR. CHILDERS: Of course, the hon. Member may repeat his Question if he thinks fit to do so; but he may rely upon that which is right being done.

THE NEW COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS)—ENGLISH CAUGHT FISH.

MR. BIRKBECK asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government, in the negotiations for a new Treaty with France, will endeavour to have the prohibitive duties on English caught fish removed, in order that English fishermen may be placed in as advantageous a position in French ports as the French fishermen are at present in those of England?

SIR CHARLES W. DILKE: The subject of the duties on English caught fish has already been discussed with the French High Commissioners. The proceedings of the Commission are, however, confidential; and I am unable, therefore, to state at present the manner in which the representations made to the French Commissioners on this subject were received.

SOUTH AFRICA—THE TRANSVAAL—THE NOTICE OF RESOLUTION (SIR MICHAEL HICKS-BEACH).

SIR MICHAEL HICKS-BEACH asked the First Lord of the Treasury, Whether the time has now arrived when the Motion with respect to the Transvaal, of which notice has been given, could be discussed without injury to the Public Service; and, if so, whether he is able to state what facilities he can give for the purpose?

MR. GLADSTONE: We heard a few days ago from South Africa that certain of Her Majesty's troops were on their way to Potchefstroom, under arrangements which the Government had thought it necessary to make after what had occurred there. They had arrived within one or two days' march of Potchefstroom, and I was in hopes that by to-day we should have heard of their march being completed. I have no doubt that in a few days we shall have information to that effect; and I shall then be able to speak more definitely with regard to the day which the right hon. Gentleman asks us to name. In the meantime, I wish to say that, having regard to the general position of this Question, it certainly would not have been the choice of Her Majesty's Government, all things considered—while the important matters in the hands of the Commissioners in South Africa are still awaiting settlement or adjustment—to have invited a discussion upon the affairs of the Transvaal, considering, as they do, that such a discussion would be embarrassing, inasmuch as it would introduce much matter which is retrospective and which relates to subjects beyond the territory of the Transvaal itself. Nevertheless, as soon as the occupation of Potchefstroom is completed, Her Majesty's Government, considering the nature of the demand, and the quarter from which it comes, will not feel themselves justified in offering any objection to the discussion. When we have heard of the completion of the operations to which I have referred, I shall be prepared to make a tolerably definite arrangement as to the time at which it can be brought forward. All our anxiety relates to the state of the Land Law (Ireland) Bill on which we are now engaged. That is the only impediment, and I hope we need not ask from the right hon. Baronet, who has been very patient and considerate in the matter, any very lengthened postponement.

PIERS AND HARBOURS (IRELAND)—GLEESK PIER, KERRY.

THE O'DONOGHUE asked the Financial Secretary to the Treasury, Whether the pier at Gleesk, in Kerry, will be finished on the 1st of July next, the date fixed for the completion of the contract; and, if not, whether the contractor will be liable to any penalties?

LORD FREDERICK CAVENDISH: I am sorry to say that Gleesk Pier will not be finished by the contract date, the 1st of July. The contractor has twice recently been urged by the Board of Works to make greater progress. He is liable under the contract to a penalty of £5 a day.

NAVY—THE RESERVE SQUADRON.

Mr. GOURLEY asked the Secretary to the Admiralty, If it be correct that the Reserve Squadron now under the command of His Royal Highness Admiral the Duke of Edinburgh is about to cruise in the Baltic and visit Cronstadt; if so, whether for the purpose of educating officers and men in a knowledge of North Sea and Baltic navigation, or merely for purposes of International courtesy; whether the vessels will be navigated by special North Sea and Baltic pilots; and, how many Coastguardsmen are being sent afloat for summer cruising with the Squadron?

Mr. TREVELYAN: The Reserve Squadron will take its usual six weeks' cruise this year in the North Sea and the Baltic. The object of the expedition is to exercise the crews in evolutions under steam and sail, in gunnery, and other exercises, and to improve the knowledge of the officers in the navigation and pilotage of those seas. No pilots will be needed or carried, beyond the captains and navigating officers of the ships. The number of Coastguardsmen on board the Squadron is 66 chief officers and 964 men, who are distributed among six of the eight ships. The whole complement of the Fleet will amount together to about 4,400 officers and men.

EVICTIONS (IRELAND).

Mr. MACFARLANE asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can lay upon the Table a Return of the number of Tenants who, being able to pay, have submitted to ejectment from their farms; or if he can state a single case in which a tenant has endured expulsion from his holding with the means of payment in his possession?

Mr. W. E. FORSTER, in reply, said, he could not undertake to give such a Return. It involved a matter of opinion, as to which he had always been willing to give the best opinion he could. The hon. Member asked the same Question a few days ago, when he (Mr. W. E. Forster) expressed his belief that no man in the Kingdom could make such a Return. He did not know whether that would apply also to those who were actually ejected. There had been persons actually ejected who, he had every reason to believe, could pay. The hon. Member asked him if he could give names. He was reluctant to give names; but if he pressed for them and would see him privately, he thought he should be able to give names. He did not know whether his hon. Friend was a member of the Land League; he did not think he was; but he had friends who were connected with it, and he would advise the hon. Member to apply to them for the information. His reason for making the statement he had just made was that he found that last month the Secretary of the Land League publicly gave this advice—

> "Let every man in Ireland who hereafter pays rent pay only when forced at the bayonet's point. ("Hear, hear.") Let them bring their bailiffs, their sheriffs, and their soldiers—those hired mercenaries recruited from the slums of England, and brought here to shoot down the Irish people! Let the Irish people allow rent to be collected only by putting all the machinery of the Government in force. You should do this with regard to all writs of recovery, writs of possession, as well as notices of ejectment. You should treat them all in the same way. I am not now speaking to men who have not the wherewith to pay the rent; I am speaking to men who are able to pay rent, but who will not pay rent upon principle. ("Hear, hear," and laughter.) You should allow the sheriff and the bailiff to come and put you out; you can redeem at any time within six months, and the landlord is bound to take care of your holding during that period. All this, no doubt, will require money; but we have more money than the landlords."

Mr. HEALY inquired why the person who made those statements had not been arrested under the Coercion Act?

Mr. W. E. FORSTER: He has been arrested. It was Mr. P. Brennan, the late Secretary to the Land League, who is now in Naas Prison.

Mr. T. P. O'CONNOR was understood to say that the real Question was whether, in spite of the distinct and emphatic statement of the Prime Minister that incitements to breaches of contract should not be punished by the Coercion Act, persons had been arrested for advising breaches of contract?

Mr. W. E. FORSTER said, he did not understand that that was the Question of the hon. Member. If a Question was to be asked on the matter, perhaps Notice would be given.

TRADE AND COMMERCE—THE ANGLO-SERVIAN AND AUSTRO-SERVIAN TREATIES.

Sir H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign

Affairs, Whether, by Article VIII. of the Treaty between Great Britain and Servia, it is stipulated that

> "Every reduction in the Tariff of Import and Export Duties, as well as every favour or immunity which has been or may hereafter be granted by one of the contracting parties to the subjects or commerce of a third Power, shall be granted simultaneously and unconditionally to the other;"

whether a lower rate of duties has been granted by Servia to Austria-Hungary on paper, stonework, pottery, glass, iron, and steel, manufactured or partially manufactured, as well as a special favour of immunity in regard to the registration of trademarks; whether the reductions of duty and favours are not granted simultaneously and unconditionally to the subjects and commerce of Great Britain, with the conclusion of the Treaty with the third Power; whether British subjects, traders with Servia, are not at liberty at the present moment to import goods into Servia at the lower rate granted to Austria-Hungary, and to enjoy the same privileges as regards trademarks; and, whether, inasmuch as the duties now levied in Servia on British goods can only be properly ascertained by the text of the Treaty with Austria-Hungary, Her Majesty's Government will place upon the Table the text of that Treaty, which has already been published in German newspapers?

SIR CHARLES W. DILKE: There will be no objection to laying on the Table of the House the text of the Servo-Austrian Treaty and Annexes. Austria, in her Treaty, has obtained from Servia a considerable reduction of duties and other commercial facilities, to some of which British subjects, traders with Servia, at once become entitled under the most favoured nation clause of the Anglo-Servian Treaty. Austria has, however, in virtue of her separate Convention with Servia (signed at Berlin on the 8th of July, 1878, and therefore anterior to the Treaty of Berlin of the 13th of July, 1878), by which the latter engaged to grant the former special facilities in regard to Frontier traffic, obtained preferential duties (50 per cent)—1, on paper for packing, and other similar purposes; 2, on stonework; 3, on such articles of pottery as pipes, stoves, &c.; 4, on common glass; 5, on iron and steel; and 6, on iron and steel partially manufactured. Her Majesty's Government hope that means will be found of obviating any injurious effects to British trade likely to arise from the Austro-Servian Treaty. The arrangement with respect to trade marks is under discussion, and there is every reason to believe both Austria and Servia will readily assent to modify it so that no undue advantage will be taken of it to the detriment of British manufacturers.

FOREIGN JEWS IN RUSSIA—EXPULSION OF A NATURALIZED BRITISH SUBJECT.

BARON HENRY DE WORMS asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in a communication from St. Petersburg in the "Times" of June 7th, that the legal adviser of Her Majesty's Government in that capital has come to the conclusion, after a review of the Russian laws and regulations regarding foreign Jews, that the expulsion of Mr. Lewisohn from Russia last year was illegal; and, if so, whether he will lay a Copy of the Document in which this opinion is expressed upon the Table of the House; and, what steps Her Majesty's Government are now prepared to take in the matter?

SIR CHARLES W. DILKE, in reply, said, it would not be desirable to make any statement with regard to the contents of the despatch in question which would be imperfect. The Report prepared by the legal adviser of Her Majesty's Embassy has been referred to the Law Officers of the Crown for their consideration; and when it comes back from them it will be included, or the greater portion of it, in the Papers to be laid before the House.

ARMY—THE ROYAL PATRIOTIC FUND—REPORT OF THE COMMISSIONERS.

BARON HENRY DE WORMS asked the Secretary of State for War, Whether the Report for 1880 of the Royal Commissioners of the Patriotic Fund has been received; and, if so, whether he will lay it upon the Table of the House, together with Copies of the recent Correspondence between the War Office and the Royal Commissioners on the subject?

MR. CHILDERS: The Report for 1880 of the Patriotic Fund Commissioners has been forwarded to Her Majesty, and will be laid before Parliament as soon as it is printed. I will give directions to have it circulated. A portion of the correspondence with the War Office appears in an Appendix to the Report, and a further portion will be laid before Parliament when it is complete.

ARMY—ARMY ORGANIZATION—THE FORTHCOMING ROYAL WARRANT.

Sir WILLIAM HART DYKE asked the Secretary of State for War, What are the precise terms under which a Captain who has purchased his Troop, and who will be promoted to the rank of Major on July 1st, can then retire; and, whether he will, on retirement, in the rank of Major, receive back his purchase-money in full, together with the retiring pension, which it is announced will be granted to non-purchase Captains who will be similarly affected and promoted by the Royal Warrant, which is to come into force on July 1st?

Mr. CHILDERS: An officer in the position described by the right hon. Baronet's Question will be able either to accept a major's voluntary retirement according to the new scale, or, at his option, to exercise his rights as a captain under the present Warrant.

ARMY—ARMY CONTRACTS.

Mr. JUSTIN M'CARTHY (for Mr. Parnell) asked the Secretary of State for War, Whether, when tenders are invited in Ireland for Army contracts, no patterns or samples are exhibited for inspection in that country, but can only be seen in England; whether all goods contracted for in Ireland for the service of the Army in Ireland have to be sent to London for inspection; whether some years ago there was an order that samples should be exhibited at the Ordnance Stores, Montpelier Hill, Dublin, and that goods, if made in Dublin, should be received and inspected there; and, whether he will consider the desirability of returning to this practice, in order to give Irish firms a practical opportunity for tendering for supplies to the Army in Ireland?

Mr. CHILDERS: In reply to the hon. Member's first Question, I have to state that it appears to be founded on some misapprehension. I find that samples intended for the use of the trade in tendering for linen are exhibited in Belfast, for boots only a few months ago at Dublin and Cork, and for brushes at Dublin. There is no objection to exhibit samples at any centres of trade if the amount of business done justifies it. But in answer to the second Question, I am not prepared, on the information now before me, to multiply, at a considerable cost, places of inspection. All inspections now take place at London and Woolwich, and if inspecting officers were appointed for Dublin, they would also have to be appointed for Scotland, Manchester, Sheffield, and other important industrial centres. But I am not unwilling to give further consideration to this suggestion. As to the third Question, I find that there is a tradition in the Office that, 25 years ago, a plan for local inspections was discussed, but it was certainly not carried out, and I can find no Papers on the subject. Personally I am anxious to localize contracts; and the hon. Member may be aware that I have done a good deal to encourage clothing contracts in Ireland, and this work is being well done at Limerick, under an improved system.

TRADE AND COMMERCE—ELEMENTS OF TRADE WITH FRANCE.

Mr. MAC IVER asked the President of the Board of Trade, If he will be good enough to furnish a brief statement showing whether it is or is not true that France is every year sending us increasing quantities of woollens, silks, cottons, linens, and other textile fabrics, gloves, clocks, jewellery, loaf sugar, wines, and other luxuries, while the exports from Great Britain and Ireland show no corresponding increase, except as regards raw materials, coals, and other articles, which afford comparatively little employment to our industrial population?

Mr. CHAMBERLAIN: All the facts are contained in a Blue Book. At the same time, I have no objection to make an extract of the particular figures referred to by the hon. Member if he thinks it well that they should be published. I may tell him, however, in advance that that extract will show that the suggestions contained in his Question are inconsistent with the facts.

MR. MAC IVER inquired when the extract to which the right hon. Gentleman had referred would be printed?

MR. CHAMBERLAIN said, it was being prepared, and would be in the printer's hands in the course of a day or two.

MR. MAC IVER asked whether he was to understand the right hon. Gentleman to say that the general character of our trade was not in accordance with the statement in his Question?

MR. CHAMBERLAIN replied in the affirmative.

RAILWAYS—RAILWAY ACCIDENTS—THE "COW-CATCHER."

MR. FERGUSON asked the President of the Board of Trade, Whether in view of the Railway accidents that have recently occurred, and are always liable to occur, from cattle straying on the line, he would recommend the Railway Companies to adopt something of the nature of the American "cow-catcher," a simple and inexpensive contrivance, which has proved itself effectual, not only in the case of cattle, but also of obstructions of all kinds?

MR. CHAMBERLAIN, in reply, said, that in four years only 13 persons had been injured in consequence of accidents arising from obstructions on the line of any kind. The Act for the regulation of railways required that very strict precautions should be taken for fencing off lines; and, under those circumstances, he did not think it desirable to make any official recommendations to the Railway Companies, particularly as the Board of Trade had no legal authority to enforce any recommendation they might make.

ARMY RE-ORGANIZATION—INDIAN REVENUE.

SIR GEORGE CAMPBELL asked the Secretary of State for War, Whether, in issuing the new Warrant, care will be taken to protect the revenues of India from any excessive demands, and to reserve to the Government of India full discretion in regard to Indian allowances to junior Majors and other newly promoted officers?

MR. CHILDERS: Yes, Sir; the subject of the proper Indian allowance to the additional majors has not been lost sight of in the preliminary discussions with the India Office, and care will be taken to protect the revenues of India as my hon. Friend's Question suggests.

AGRICULTURAL STATISTICS—CORN RETURNS.

COLONEL BARNE asked the President of the Board of Trade, Whether the Government will consent to the appointment of a Select Committee to take into consideration the two Bills on Corn Returns now before the House?

MR. CHAMBERLAIN, in reply, said, he did not think it was necessary that either of the Bills should be referred to a Select Committee.

ARMY PROMOTION—THE ROYAL WARRANTS 1872 AND 1873.

VISCOUNT LEWISHAM asked the Secretary of State for War, Whether it is a fact that on the 5th July 1872 a Royal Warrant was issued promoting all the first Captains of the Royal Artillery and Royal Engineers to the rank of Major, thereby superseding some 600 Captains of Cavalry and Infantry who were their seniors in the Army; and, whether, on the 20th May 1873, another Royal Warrant was issued promoting about 200 of the superseded Captains to the rank of Major, with effect from the 5th July 1872, thereby reinstating them in their former relative positions with regard to the Majors of Artillery and Engineers; and, if so, as the Warrant of the 20th May 1873 virtually recognised the injustice caused by the Warrant of the 5th July 1872, and partially remedied it, whether it is proposed to complete the remedy commenced in 1873 by promoting all the other superseded Captains to brevet majorities with effect from the 5th July 1872, and to confer on them the brevet rank of Lieutenant-Colonel when the officer of Artillery or Engineers who was next below them on the 4th July 1872 obtains that rank; or, if not, whether any reason can be shown why it is not desirable to do so?

MR. CHILDERS: The noble Lord will hardly expect me to answer in detail a Question of an argumentative character, to reply to which, fully, would try the patience of the House. He will permit me, perhaps, only to say that I am quite aware of the supersessions to which he refers; but that I cannot undertake to adopt the retrospective proposal which he makes, which has been frequently considered and refused by my Predecessors.

ARMY — THE AUXILIARY AND RESERVE FORCES—RECENT HONOURS.

Mr. RITCHIE asked the Secretary to the Admiralty, Whether the distinctions conferred upon two Lieutenants of the Royal Naval Volunteers, whose appointments are dated respectively 17th November 1879 and 31st May 1880, are included in those which were stated to be conferred by the Queen

> "on officers of the Auxiliary and Reserve Forces who should, while in command of a regiment, have contributed in a marked degree to its efficiency?"

Mr. TREVELYAN: Sir Allen Young and Lieutenant Inman have received their C.B.'s on the ground that they have "contributed in a marked degree to the efficiency of the branch of the Reserve to which they belong." The Memorandum which the hon. Member quotes refers to the land forces, and it was not, therefore, thought necessary to specify the exact qualifications of the officers of the Naval Auxiliary Forces, though they were mentioned in the Memorandum to show that they were to share in the number of honours allotted. They command brigades of Artillery, in the one case of 440, and in the other of 536 men; commands which may be fairly entitled to rank in importance with that of a battalion of Infantry Volunteers, and they are, I cannot but think, and I do not think the hon. Member disputes it, very proper recipients of the honour.

PARLIAMENT—SCOTCH BUSINESS—LEGISLATION.

Mr. ANDERSON asked the First Lord of the Treasury, If, considering the impossibility of otherwise getting any Scotch legislation this Session, he will at an early date have one or two Saturday sittings, and devote them to the passing of the Educational Endowments (Scotland) Bill?

Mr. GLADSTONE: In answer to my hon. Friend, I have to say that I should be unwilling to name the name of Saturday Sittings until it becomes a matter of necessity. I have, however, a more satisfactory answer to give him than that. I hope to be able in the course of a day or two to make some suggestions for going forward with at least a portion of the Scotch Business.

POST OFFICE—POSTAGE STAMPS.

Mr. GRANTHAM asked the Postmaster General, If his attention has been called to the statement of Mr. Anthony Nesbit, the analytical chemist, that the ink stamp on the present postage stamp can be easily obliterated, and the stamps re-used without any possibility of detection; and, if he will take some steps to prevent the possibility of such fraud in the future?

Mr. FAWCETT, in reply, said, he thought there was some difficulty in removing the ink stamp on the postage stamps now in use; but whether that be the case or not, it was arranged that in the new stamp about to be issued for postage and receipt purposes alike—and he hoped the stamp would be issued in the course of two or three weeks—such a colour would be chosen that any attempt to remove the ink marks would at once be detected.

ARMY RE-ORGANIZATION—THE ROYAL WARRANT, 1881.

Colonel ALEXANDER asked the Secretary of State for War, Whether, looking at the near approach of the 1st of July, he would consider the advisability of postponing to the 1st of October the operation of the Royal Warrant?

Mr. CHILDERS: No, Sir; that would be attended with very great inconvenience. I was about to lay on the Table the amended Memorandum on the subject of the arrangements in respect to Army Organization, and it will be in the hands of Members to-morrow.

FRANCE AND TUNIS—THE FINANCIAL COMMISSIONS.

Mr. OTWAY asked the Under Secretary of State for Foreign Affairs, Whether the equality between the French Representative, and his British and Italian Colleagues, on the Financial Commission of Tunis, has, or has not, been disturbed by the recent notification of the French Representative there; and, whether he accepts the position assigned to Her Majesty's Government and British subjects, in the notification of the French Minister Resident, with reference to their future communications with the Bey and Government of Tunis?

Sir CHARLES W. DILKE: There may be said to be "two Financial Commissions" — the Executive Committee, composed of two Tunisians, and a French Inspector of Finances, appointed by the Bey on the recommendation of the French Government; and the Control Committee, composed of two French, two English, and two Italians, representing the bondholders. The French Government has already been informed (Tunis 6, page 55) that Her Majesty's Government expect that, before any change is made in the existing constitution of the Financial Commission, an opportunity will be given to the creditors of expressing their views on the subject. The agreement as to the Financial Commission does not appear to be affected by the recent communication of M. Roustan. Instructions have been sent to Mr. Reade with regard to his relations to the Governor of Tunis, which will be included in Papers which are shortly to be laid upon the Table.

Lord RANDOLPH CHURCHILL: Will the hon. Gentleman state, Whether, as a matter of fact, the British Consul at Tunis has access to the Bey on public matters; and whether, so far as the British Consul is concerned, the Circular of M. Roustan is invalid and ineffectual?

Sir CHARLES W. DILKE: There are already on the Paper two Questions, one of them for to-morrow, on this matter; and perhaps it will be more courteous to the hon. Gentlemen who have given Notice of them that I should make the answer to them.

Lord RANDOLPH CHURCHILL: There is no Question on the Notice Paper of the same nature as the one I have just put.

Sir CHARLES W. DILKE: The Question for to-morrow is to ask whether, under existing Treaties, the British Consul has not access to the Bey on public matters? That I take to be precisely the Question which the noble Lord has asked.

Lord RANDOLPH CHURCHILL: Not at all. What I wish to know is, Whether the British Consul has access to the Bey of Tunis on public matters; and whether, so far as the position of the British Consul is concerned, the Circular of M. Roustan is invalid and ineffectual?

Sir CHARLES W. DILKE: That, in my opinion, is precisely the same as the first paragraph of a Question on the Paper for to-morrow. It is—

> "Whether the appointment of M. Roustan as sole intermediary between the Bey of Tunis and the Foreign Representatives there is in contradiction with M. St. Hilaire's assurances that the treaty rights of England should be 'scrupulously respected?'"

Sir H. DRUMMOND WOLFF said, that the Question was whether at this moment the British Consul at Tunis had or had not access to the Bey on public matters?

Sir CHARLES W. DILKE: That Question is precisely the Question that is placed upon the Paper for to-morrow, and I will answer it then.

Sir H. DRUMMOND WOLFF: Then, Sir, I shall move the adjournment of the House. I am very sorry to say that I am obliged to do so because we can never get an answer from him. The Question I ask is whether the British Consul has or has not access to the Bey on matters connected with British interests? There have been several Questions lately on this question, but none of this character; one, for instance, refers to the invasion of English merchant ships by French cruisers. The Question I will ask on Monday is not a question of Treaty right. It is a question of the right of the British Consuls in the East under capitulation. It is true that another Question is on the Paper for to-morrow; but it is not exactly the same; and I want to know at this moment whether the British Consul is or is not debarred from access to the Bey? I am sorry to do this; but in order to put myself in Order I take a course which has been forced upon me by the interruptions which have come from below the Gangway opposite. I move the adjournment of the House.

Mr. SPEAKER: Does any hon. Gentleman second the Motion?

Lord RANDOLPH CHURCHILL: I do.

Motion made, and Question proposed, "That this House do now adjourn."—(*Sir H. Drummond Wolff.*)

Lord JOHN MANNERS regretted that his hon. Friend should have felt obliged to move the adjournment of the

House; but he must say that he thought the reason assigned by the Under Secretary of State for Foreign Affairs for refusing to answer the plain Question which the hon. Member had put went far to justify the course which he had pursued. The Under Secretary appeared to him to have put a construction of his own on the Question which was to be asked to-morrow in bar of answering the Question now put by the hon. Member for Portsmouth. The hon. Baronet the Under Secretary would, perhaps, permit him to say that, though the construction which he put upon the Question to be put to-morrow might appear to be obvious to him, it was not necessarily obvious to other Members of the House. The Question put was a very simple one; and, therefore, he hoped the hon. Gentleman would have the kindness to answer it without delay.

Sir CHARLES W. DILKE: The noble Lord has stated that the reason why I did not answer the Question was that there was a similarity between it and another Question that is to be put to-morrow; but I may point out that there is no occasion to find any such reason. But I may say, further, it is not usual to answer Questions without Notice, especially Questions of delicate pending negotiations. [Sir H. Drummond Wolff: Pending?] Yes, pending; because we are actually in communication with foreign Governments on this very question. I stated just now that we had sent a despatch this very day to Mr. Reade on the subject. It is not usual to answer Questions on delicate matters of this kind without Notice; and it is only about a week ago that I appealed to the House in regard to Notices of Questions on foreign affairs. I am speaking within the recollection of many hon. Members who will remember what took place last Parliament in matters relating to foreign affairs. Such Questions were not often put without Notice. The practice of putting such Questions without Notice began in the last Session of Parliament, and has received a great extension in the present Session. If hon. Gentlemen will look back to the records of the last Parliament, they will find that there was rarely any Question put on foreign affairs without a Notice of from four days to a week; but in the present Parliament such Questions are usually put at one day's Notice, or without any Notice at all, and this gave extreme difficulty to those who had charge of these matters. I ask for time to answer this Question; and I still say that the first paragraph of the Question to-morrow, if it means anything at all, means exactly the same as the Question which has been put to-night. As to what was stated by the noble Lord, I may say that I gave that reason, and I might have given this one also.

Sir STAFFORD NORTHCOTE: There can be no doubt that the hon. Baronet is right in saying that it is usual that Notice should be given on Questions on foreign affairs; and if he had given that reason first, in answer to my hon. Friend, I feel perfectly sure that not a word more would have been said. The reason which the hon. Baronet gave was of quite a different character; and I must say he did rather provoke an examination in contrasting the terms of one Question with another as the reason for not giving an answer.

Mr. GLADSTONE: I am not at all surprised that the right hon. Gentleman recognizes the duty of covering, as well as he can, the consequences of any general miscarriage on the part of one of his political Friends. I find, therefore, no fault with his speech. But how does this matter stand? It stands thus—a Question is put to my hon. Friend, without Notice, on foreign affairs, on a matter of extreme delicacy, and on which communications are actually going on. The right hon. Gentleman opposite admits that the Under Secretary announced a perfectly just reason for not answering the Question to-day, but says he gave a wrong reason at first, and for giving this wrong reason the hon. Member for Portsmouth moves the adjournment of the House. I must say, and I do not say so as reflecting upon the hon. Member, that of all the unreasonable occasions—["Oh, oh!"]—this appears to me the most unreasonable, or the least reasonable, if you like so to take it. It is an attempt to force an answer now, at this moment, to a Question on foreign affairs without Notice. It is not a question as to whether my hon. Friend gave a right or a wrong reason. That is not the position of the hon. Member. He insists upon an immediate answer, without any postponement, and says that if he cannot have an immediate answer he will move the adjournment of the House. That is the position of the case——

Sir H. DRUMMOND WOLFF: I beg the right hon. Gentleman's pardon. My reason for moving the adjournment of the House was the discourteous interruptions of hon. Members opposite.

Mr. GLADSTONE: I must apologize to the hon. Member if I have misunderstood him; but I am unable to understand why interruptions from this side of the House, if there were any interruption, should be a reason for a Motion of Adjournment. He insisted upon an immediate answer; and I want to know whether the insistance of an immediate answer is to be persisted in, and whether it has the countenance of the right hon. Gentleman opposite? It has, unfortunately, the countenance of the noble Lord (Lord John Manners). He rose with an aspect of general mildness; but he also insisted upon an immediate answer. Now, for a moment, and for argument's sake, I waive the question whether my hon. Friend gave the proper answer. I maintain he gave a most courteous answer. Instead of asking generally and largely for Notice of the Question, he said that there is a Question standing for to-morrow, which is the shortest Notice there can possibly be, in which he considered the Question that had been put is included, and he proposed to answer both Questions together to-morrow. Therefore my hon. Friend made a most reasonable request. But the noble Lord opposite asks an immediate answer, and justified this Motion for Adjournment. I beg to suggest to the House that this Motion for Adjournment ought not to be allowed to be dropped, but that we should go to a division, in order to mark our sense of the Motion which has been made to the House.

Lord RANDOLPH CHURCHILL: Mr. Speaker——

Mr. DILLWYN: I rise to Order, Sir. The noble Lord has already seconded the Motion, and I wish to know if he is again entitled to speak?

Mr. SPEAKER: According to the strict Rule of debate, the noble Lord having seconded the Motion for the Adjournment, is not in Order in speaking again.

Earl PERCY said, no one could have a stronger objection to Motions for Adjournment at this time of the day than he had; but at present that was the only way by which Members on his side of the House could obtain a hearing, owing to the intolerance and interruptions of hon. Members opposite—he must say, chiefly on the part of those hon. Members who had had the least experience in that House. When those who sat beside him were met by clamour and disturbance when they addressed the House, and when they were clearly within their legal rights, then they ought to move the adjournment in order, as far as possible, to put their foot upon this sort of interruptions. That was the intention of his hon. Friend, and not any desire to force an answer. He hoped that Motions for Adjournment would not often become necessary; but he hoped they would always be made until hon. Members opposite were prepared to treat them differently.

Mr. MONK submitted that the hon. Member for Portsmouth (Sir H. Drummond Wolff) moved the adjournment of the House to put himself in Order in making his speech, and that he was making a speech instead of asking a Question when he was called to Order. He trusted the House would, in accordance with the suggestion of the Prime Minister, show its opinion of these frequent Motions for Adjournment by going to a division.

Mr. W. H. SMITH could not but hope that more moderate and wise counsels would prevail, and that the time of the House, which had so often been stated to be extremely valuable, would not be further wasted. An explanation had been given and accepted, and the proper course would be to proceed at once with the Business of the House.

Sir H. DRUMMOND WOLFF: I beg to withdraw the Motion. ["No, no!"]

Mr. GLADSTONE: I shall be unwilling to place any difficulty in the way after what has been said; but I must honestly say—and I hope the hon. Member will not think it unreasonable—that I think he ought to state that he withdraws his demand for an immediate answer.

Sir H: DRUMMOND WOLFF: I do not for a moment regret the course I have taken; but I beg to withdraw the Motion. ["No, no!"]

Mr. SPEAKER: Does the hon. Member desire to withdraw the Motion?

SIR H. DRUMMOND WOLFF: May I say one word? I withdraw the Motion in consequence of the demand which has been made by the Under Secretary for time to answer the Question. [MR. GLADSTONE: Hear, hear!]

Motion, by leave, *withdrawn.*

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [NINTH NIGHT.]

[*Progress 14th June.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.

ORDINARY CONDITIONS OF TENANCIES.

Clause 1 (Sale of tenancies).

MR. GLADSTONE: I have an appeal to make to the hon. Member for Portarlington (Mr. Fitzpatrick), who has the first Amendment on the Paper, not to bring it forward at the present moment, because I find that it deals with the question of judicial rents in statutory tenancies. This question is out of place on this part of the Bill, and will have to be dealt with farther on.

Amendment *postponed.*

MR. BRODRICK moved in page 2, line 26, after "tenancy," to insert—

> "Provided always, That if the amount of the purchase money is insufficient to pay the moneys found due to the landlord as aforesaid, the amount of such insufficiency shall be a first charge on the interest of the incoming tenant in the holding."

The hon. Member said that at present the landlord's improvements were not saved by the Bill, and it was necessary to make some attempt to produce an equality in respect of improvements between the position of the landlord and that of the tenant. He would suggest, therefore, that the right hon. Gentleman the Prime Minister should accept the Amendment he (Mr. Brodrick) had placed upon the Paper, saving those parts of the landlord's improvements which had not been realized, or make it incumbent upon the Court to provide that when the tenant sold his interest such sale should not in any case include the improvements of the landlord.

Amendment moved,

> In page 2, line 26, after "tenancy," to insert "Provided always, That if the amount of the purchase money is insufficient to pay the moneys found due to the landlord as aforesaid, the amount of such insufficiency shall be a first charge on the interest of the incoming tenant in the holding."

Question proposed, "That those words be there inserted."

MR. GLADSTONE: I do not think the hon. Gentleman has taken into account that this subject is to undergo amendment in conformity with the suggestion made by the right hon. and learned Gentleman the junior Member for the University of Dublin (Mr. Gibson) to limit the application of the sub-section in order that there may be no passing, without the consent of the landlord, of the landlord's improvements to the new tenant. Under these circumstances, I do not think it desirable to press this Amendment, and I hope that the hon. Member for West Surrey (Mr. Brodrick) will reserve his judgment upon the matter until we have entered upon the question of the limitations which are to be made.

MR. GIBSON said, the Government proposed that the sub-section should stand by for the present and be brought up on the Report. He thought the Amendment moved by his hon. Friend would have to be dealt with in some way, and he would give his reason why. Supposing improvements were sold with the consent of the landlord, that was one of the two questions that would have to be dealt with, and the Amendment proposed to deal with an alternative—namely, where the purchase money was not sufficient to pay for the improvements. The hon. Member asked that, in the event of the purchase money not being sufficient, the improvements should become a charge upon the holding.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the tenant could not sell the fee simple of the landlord's improvements any more than of the land itself; but if, with the consent of the landlord, the absolute property in the improvements was sold in conjunction with the tenancy of the tenant, then the two things would pass together to the purchaser, and the Court would have to find out what part of the purchase money belonged to the tenant, as representing his tenancy, including his use of the improvements, and what part to the landlord. That would be a matter for the Court to decide. Neither would be entitled to anything beyond what was found to represent his own separate interest.

Mr. BRODRICK said, that after what had fallen from the right hon. Gentleman at the head of the Government he had great pleasure in withdrawing the Amendment; but he hoped the question would be taken into consideration.

Mr. LEAMY pointed out that the landlord had already the right of preemption, and if he chose to give his assent to the sale of improvements which were his own property he ought to take the consequence of that sale, and to accept as much and no more than the improvements would bring him. The landlord might exercise his right of pre-emption if he thought the improvements were going to be sold at a sacrifice.

Dr. COMMINS said, the incoming tenant would undoubtedly pay the value of the improvements in the first instance, and the Amendment proposed to make him pay interest upon the money that might be owing to the landlord in addition to what he had paid already. In point of fact, it made him pay twice over.

Mr. WARTON wished to point out a case which he did not think was provided for in the section—namely, the case where money was due to the landlord, not only for landlord's improvements, but for arrears of rent. It might be that the whole of the money due to the landlord from these two sources amounted to more altogether than the purchase money. The landlord was to have payment for any debt due to him from the tenant. Of course, that debt covered arrears of rent; but he hoped the Attorney General for Ireland and Her Majesty's Government would see that there might be a case where the claim of the landlord, both for arrears of rent and for improvements, overtopped what the incoming tenant was about to pay. Surely that ought to be a charge on the incoming tenant.

Mr. GLADSTONE: In answer to the appeal of the hon. and learned Member for Bridport (Mr. Warton), whether, when the claim of the landlord for improvements, together with the claim for rent, overtops the tenant right, that circumstance should not be taken into consideration in the charge made upon the incoming tenant, I certainly think that it must be regarded as a debt due from the outgoing tenant.

Amendment, by leave, *withdrawn.*

Mr. E. W. HARCOURT moved, in line 31, after "rent," to insert "for waste by dilapidation of buildings or deterioration of the soil."

Amendment moved,

In page 2, line 31, after "rent," insert "for waste by dilapidation of buildings or deterioration of the soil."—(*Mr. E. W. Harcourt.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) hoped the hon. Gentleman would not press this Amendment, the object of which was, he submitted, fully provided for already.

Amendment, by leave, *withdrawn.*

Mr. COHEN moved, in line 31, to leave out "otherwise," and insert "other breaches of the contract or conditions of tenancy." He said that the sub-section enabled the landlord to recoup himself out of all monies claimed from the tenant for arrears of rent or otherwise. Many hon. Members, including himself, were puzzled to know what was meant by "arrears of rent or otherwise."

Amendment moved,

In page 2, line 13, leave out "otherwise," and insert "other breaches of the contract or conditions of tenancy."—(*Mr. Cohen.*)

Question proposed, "That the word 'otherwise' stand part of the Clause."

Lord GEORGE HAMILTON asked, as a point of Order, whether this Amendment could be put, seeing that its adoption would prevent other Amendments of which Notice had been given from being moved?

The CHAIRMAN: The hon. Member for Queen's County (Mr. Lalor) has an Amendment to leave out the words "or otherwise," which will have precedence.

Amendment, by leave, *withdrawn.*

Mr. LALOR moved, in page 2, line 31, after "rent," to leave out "or otherwise." The sub-section of the clause at present stood thus—

> "That where a tenant sells his tenancy to any person other than the landlord, the landlord may, at any time within the prescribed period, give notice both to the outgoing tenant and to the purchaser of any sums which he may claim from the outgoing tenant for arrears of rent or otherwise."

He did not object to the landlord having a claim for arrears of rent; but why should there be any "otherwise"? What right had the landlord on any other ground more than any other creditor to lay claim to any portion of the purchase money?

Amendment moved, in page 2, line 31, after "rent," to leave out "or otherwise."—(*Mr. Lalor.*)

Question proposed, "That the words 'or otherwise' stand part of the Clause."

The ATTORNEY GENERAL for IRELAND (Mr. Law) thought the hon. Gentleman would see that it was quite impossible to confine the right of deduction simply to rent. The clause already provided in an earlier portion of the section that the Court might ascertain as to be paid out of the purchase money compensation for any injury the landlord might have sustained from the tenant by breach of the conditions under which he held the tenancy. At the same time, he quite agreed with the hon. Member that the word "otherwise" was too large, and therefore that it was right to propose the omission of that word. He proposed, however, to accept the Amendment which was about to be moved by the hon. and learned Member for Southwark (Mr. Cohen).

Amendment, by leave, *withdrawn.*

Amendment moved,

> In page 2, line 31, leave out "otherwise," and insert "other breaches of the contract or conditions of tenancy."—(*Mr. Cohen.*)

Amendment *agreed to.*

Mr. MULHOLLAND moved, in line 41, to leave out the word "pay," and insert "retain a prescribed sum for costs, and pay the sum so retained and."

Amendment moved,

> In page 2, line 41, leave out "pay," and insert "retain a prescribed sum for costs, and pay the sum so retained and."—(*Mr. Mulholland.*)

Question proposed, "That the word 'pay' stand part of the Clause."

The ATTORNEY GENERAL for IRELAND (Mr. Law) hoped his hon. Friend would not press this Amendment. It was quite obvious that it would be unreasonable to impose on the tenant the duty of giving security by depositing money in Court in order to meet the costs of what, after all, might be by no means a frivolous claim. If that provision were enacted in one case, it would certainly have to be enacted in the other, and the landlord also should be required to deposit a sum for costs. He thought matters of this kind ought to be left in all cases for the Court, which would have sufficient power to check the prosecution of frivolous claims.

Amendment, by leave, *withdrawn.*

Viscount FOLKESTONE moved to leave out from the word "it" to "tenant," in page 3, line 2, and insert—

> "The sale of such tenancy shall be deemed not to be completed, and the outgoing tenant shall be deemed to be still the tenant of such tenancy."

He did not think that the Amendment would alter the object and intention of the clause. It appeared to him that the way in which the clause was drawn made it quite possible for the landlord to fall between two stools, if he might apply such a wooden expression to the Irish tenant. He thought that it was possible under the clause for the tenant to give up the farm, and to leave the landlord no alternative but to accept the incoming tenant, or to give up all claim to compensation. It would be quite possible for the outgoing tenant to make some private arrangement with an intending purchaser by which the outgoing tenant might receive the money and go to America, leaving the landlord without a remedy in regard to the claim to which he was entitled. The landlord would then be left in this position—that he would have to accept the purchaser as a tenant with no possibility of recovering the amount of the claim to which he was entitled, or else he would have the farm left on his own hands. The Amendment he proposed would have the effect of providing a safeguard for the landlord's rights, and it would in no way interfere with the power of the outgoing tenant to get a purchaser for the tenancy if he wished to get rid of it. He hoped that Her Majesty's Government would accept the Amendment.

Amendment moved,

In page 3, line 2, to leave out from "it," to "tenant," in line 3, and insert "the sale of such tenancy shall be deemed not to be completed, and the outgoing tenant shall be deemed to be still the tenant of such tenancy."—(*Viscount Folkestone.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought the noble Lord would find on examination that the words of the clause, as they stood, fully provided for everything that was necessary. The transfer of yearly tenancies in ordinary practice was never completed in any but one way—namely, by the landlord accepting the new tenant in place of the old one. There was no formality of deeds or conveyances; but the tenancy passed on the landlord accepting the new tenant in place of the old one, and thus assenting and giving effect to the transfer. The Amendment, in fact, was entirely unnecessary, and would cause great practical inconvenience. There was, perhaps, one possible case, although he had never come across an instance of it, where the noble Lord's reasoning might seem to apply—namely, where the tenant assigned his tenancy by deed. In such a case the legal interest would pass, although the tenant might have made the assignment after breaking some of the important provisions that were here made for the landlord's protection. For example, not having given notice. But he apprehended that the Court would have full power, if applied to by the landlord, to set aside the sale, on the ground that it was an attempt to derogate from his rights. There was a statutory obligation in the most imperative language that the tenant should do so and so, and if any of the obligations placed upon the tenant for the protection of the landlord were broken, the landlord would be able to go to the Court at once to have the sale set aside. It would not be desirable, therefore, to lay down a cast iron rule that the delay, for instance, of a single day in the service of a notice should render the whole transaction null and void. It was quite enough for the protection of the landlord that the Court should have the power of setting aside the sale, unless it was satisfied that the conditions of the statute had been complied with. It would not, under such circumstances, be obligatory on the landlord to accept the tenant. No Court would say he was bound to accept the purchaser of a tenancy if he had never received any notice of the sale at all. The landlord would say at once—"I do not recognize or sanction that sale." As he had said, the only possible case he could imagine in which the clause would not apply would be the case in which a deed had been executed, and that was a very rare thing in Ireland. But even in that case the ordinary law would protect the landlord. In point of fact, the Court had all the necessary jurisdiction and power if it considered it right to exercise them. He therefore trusted that the noble Lord would not insist upon the Amendment.

MR. GORST thought there was a necessity for some Amendment in this direction, because, notwithstanding the explanation the right hon. and learned Attorney General for Ireland had given to the Committee, it was perfectly clear that the landlord did run some risk. Suppose that everything proceeded with the most perfect regularity, and there was no reason why the landlord should object to the new tenant, but that the assignment was made and everything was done with complete order and regularity, and then the landlord found that he had certain claims against the outgoing tenant, and served the new tenant with the notice provided for under sub-section 8. The incoming tenant being served with that notice, instead of paying the money into Court, paid it to the outgoing tenant, who conveyed his rights over to the purchaser by deed, and at once went to America. What would then be the position of the landlord? The assignment would be a perfectly good one, and would be complete; but, nevertheless, the landlord would be left without his money. The outgoing tenant having bolted to America with the sum that ought to have been paid into Court, the landlord would be left entirely without a remedy.

MR. O'SHAUGHNESSY stated that the Amendment might cause some danger to, and impose some hardship upon, the tenant. The noble Lord proposed that if the tenant had omitted any of the duties the section imposed upon him, he should thereby be deprived of his status as tenant. The result of that would be, that if there was any defect, technical or otherwise, in the deed of assignment, it might be held *in terrorem* over the tenant, and at any time subsequently. According to this Amendment, the landlord might take advantage of it in order to turn the tenant out, and say—"You are no tenant of mine." Why should the landlord have this power? Was he not protected by the power he had of seeing that the tenant fulfilled his duties before any assignment could be made? It was not obligatory on a landlord to accept the purchaser as a tenant if any default had taken place. He would have every opportunity of knowing what was being done, because, by the Amendment already accepted by the Committee, he would have an opportunity of knowing what the tenant intended to sell, and what the amount of the purchase money was to be. Therefore, he would be in full possession of all the knowledge that it was necessary he should have, and he ought to take upon himself the responsibility of seeing that there was no default on the part of the outgoing tenant. He trusted that the Amendment would not be accepted.

Mr. GIBSON said, the Amendment raised an extremely important question, and all the more important in consequence of the way in which his right hon. and learned Friend the Attorney General for Ireland had dealt with it. The sub-section to which his noble Friend had asked the attention of the Committee was important, because it was the only one from the beginning to the end of this complicated clause that indicated what was to happen in the event of the conditions introduced as safeguards not being complied with. The section gave to every tenant of Ireland the right of free sale, and it purported, in regard to the landlord, to throw around him certain safeguards which were to protect him from possible loss. It directed, in one section, that ample notice should be given to the landlord in order that he might have an opportunity of knowing who was to be his future tenant. Provisions were also introduced to enable him, if he pleased, to be paid out of the purchase money, for landlords' improvements. It permitted him to make obviously just claims against the purchase money in respect of arrears of rent, and it contained further provisions in the landlords' interest. But unless the safeguards which were introduced on behalf of the landlord were real safeguards, vital safeguards that could be given effect to under the clause, they would be perfectly worthless, because there was no provision, from the beginning to the end of the clause, that said to the tenant who disregarded these safeguards and gave no notice, but who put the purchase money in his pocket, and went to America or elsewhere—there was not a single section in the clause which said to the tenant who so disregarded the conditions of the section—"Your proceedings are all null. This section must control and govern the operations of the sale. You have wilfully given no notice; you have wilfully put the purchase money in your pocket; you have disregarded the fair claim of the landlord; and, therefore, under the sub-section, we will put aside all your operations and declare that what has been done is entirely null and void." Now this was a very essential point, and how was it met by his right hon. and learned Friend? His right hon. and learned Friend said that the clause which he proposed to amend gave all the remedy the landlord could require. That was rather startling. This particular section did not apply to the whole clause, but only to a single sub-section which appeared before it, and which provided that—

> "Until the purchaser has satisfied the requirements"—not of the clause, but of that particular sub-section—"it shall not be obligatory on the landlord to accept the purchaser as his tenant."

He did not think that that was any remedy whatever, even in respect to this sub-section, because the term "accept" was no substantial remedy whatever. What remedy could it give to the landlord except the privilege of saying to his friends and neighbours—"I do not accept the incoming tenant?" He would not say that the words proposed by his noble Friend were the best way of dealing with this sub-section, but they fairly challenged the incompleteness of the drafting as the Bill now stood. He would now say one word as to the way in which the general proposition of giving validity to the safeguards had been dealt with by his right hon. and learned Friend. What his right hon. and learned Friend said was that it was unnecessary, and it would not be just, to put a cast iron rule into the clause which would say to the tenant and to the purchaser —"If you violate the rules laid down in this clause for the protection of the landlord your proceedings will be null and void." His right hon. and learned Friend said the landlord was not without his remedy, because he could go into a Court of Equity and by instituting a suit set aside the purchaser who violated the provisions of the Bill. Was that justice to the landlord? A tenancy was to be sold on his property whether he liked it or not. Under certain conditions, and without notice to him, the purchaser might pay over the purchase money to the tenant who had avoided notice, and in such circumstances it was a mockery to tell the landlord—"Your remedy is to go into a Court of Chancery, which will give you relief and set aside the proceedings." That was not just nor reasonable, if the landlord was to be dealt with on any principle of equity whatever. But the question would be raised in a broader manner upon an Amendment which stood in the name of his hon. Friend the Member for Leitrim (Mr. Tottenham), and when that Amendment was proposed he trusted that some more conclusive reason than had yet been given would be assigned for setting aside the safeguards of the landlord.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, his right hon. and learned Friend (Mr. Gibson) had manifested a little warmth in the matter; but the object of his right hon. and learned Friend and that of the Government were the same in desiring that nothing in the shape of a mere sham protection should be given to the landlords. He (the Solicitor General) was quite at one with those who would make the safeguards of the landlord real and substantial. No doubt there were some provisions for the protection of the landlord in regard to which it was only reasonable to say that the purchaser should not become the tenant unless those provisions were fully complied with. But there were other conditions for the protection of the landlord in regard to which it would be unreasonable to make what was, perhaps, an accidental non-performance of them have the effect of vitiating the transaction altogether. The most vital concern of the landlord in regard to that section was that which related to the payment of the money, and as to that provision, it laid down that until the purchaser satisfied the requirements of the sub-section it should not be obligatory on the landlord to accept the purchaser as his tenant. Then, if the landlord was not bound to accept him as his tenant, he did not become the tenant; and if he had paid the purchase money to the outgoing tenant, who had absconded with it to America, it did him no good, because he was not accepted by the landlord and was not the tenant. But he apprehended that that would be a very rare and exceptional case, and even there he took it that, being bound by the sub-section to pay the money into Court, if the purchaser paid it to the outgoing tenant and not into Court he would be regarded as not having paid it; and even if there had been an assignment he would not be allowed to take the benefit of such assignment. If there was any dispute about the purchase money, of course they could not prevent the one side or the other from going into Court. If, however, it should turn out on further consideration that sufficient protection was not given to the landlord, the Government would be ready to make an alteration of the clause. His right hon. and learned Friend would see that it would be in the power of the Court to make stringent rules for the carrying out of the Act. This matter would not be lost sight of. He and his right hon. and learned Friend did not differ in principle; but, on the other hand, he did not want to do anything that might invalidate the whole of the proceedings, and he would promise that the matter should be carefully considered.

MR. SYNAN remarked that the Committee had been favoured with a legal argument from the learned Solicitor General; but the common sense view of the matter had been left out of consideration altogether. The objection was that the landlord would be left without protection—that, in point of fact, the purchaser would be such a fool that after having received notice from the landlord, after having given his name as the intended purchaser to the landlord, and having declared the sum that was to be paid for the tenant right he would pay his money to a runaway tenant, and leave himself without a hold either upon the tenant or the landlord. Was it right to assume that any man out of a lunatic asylum would be guilty of such a proceeding as that? He now came to the case of an assignment. It was said that a difficulty might arise in the event of an assignment; but he contended that if there was an assignment of the lease, the tenant or the purchaser would have perfectly legal rights quite outside the Bill altogether. If, however, the lease contained covenants against assignments, and if in violation of those covenants the purchaser paid his money to a runaway tenant, he would simply stand in the position of the old tenant who had forfeited his lease, and be subject to the same conditions. It was very improbable to suppose that the case would ever arise, even in regard to a lease containing no covenants against an assignment. The purchaser would always take care that he was accepted as the tenant, and he would not be likely to pay the purchase money to a runaway tenant, and thus lose his title to the property; at all events, the landlord would not be damnified by the folly of the purchaser.

Lord EDMOND FITZMAURICE agreed up to a certain point with what had fallen from the hon. Gentleman who had just sat down. The hon. Gentleman said that it was "impossible." He (Lord Edmond Fitzmaurice) would say it was "improbable;" but, nevertheless, he would put it to the Government whether it was not better, either here or further on in the clause, when they came to the proposal of the hon. Member for Leitrim (Mr. Tottenham), to introduce some words which would safeguard the landlord against such cases as might arise. What was really wanted was that the Bill should take care that, as far as possible, the transaction should take the course of a sale in Ulster. In Ulster the practice was this—both the outgoing and incoming tenant and the landlord met, the money was handed over at the meeting, and all proper deductions were made at the same time. He would not say that it would be right to introduce a provision to that effect; but he hoped the Government would consider it.

Mr. GORST really thought, after the declaration that had been made by the hon. and learned Solicitor General, that there was no occasion for continuing the discussion. He understood that the Government fully appreciated the object of his noble Friend (Viscount Folkestone) in moving the Amendment. They were as desirous as his noble Friend was that the landlord should have protection, and Her Majesty's Government would consider whether the words of the present Bill gave a sufficient protection or not, and if they did not, they would propose some other words to give protection. Under these circumstances, he thought his noble Friend might safely withdraw the Amendment.

Viscount FOLKESTONE said, that if he understood from the Government that they were prepared to take care of the landlord's rights on this point, he was willing to withdraw the Amendment, providing they would undertake to bring up some words to carry out this object, either upon his Amendment or upon that of his hon. Friend the Member for Leitrim (Mr. Tottenham).

The ATTORNEY GENERAL for IRELAND (Mr. Law) trusted that there would be no mistake. What the Government had declared their readiness to do was to consider whether the clause as it stood did not give sufficient protection. They could not undertake to put in additional words if it appeared that the landlord was perfectly safe. The subject, however, would be fully considered.

Mr. GIBSON understood that his hon. and learned Friend the Solicitor General gave an undertaking as distinct as possible, whereas the statement just made by his right hon. and learned Friend the Attorney General for Ireland was only of a qualified character. He understood his hon. and learned Friend the Solicitor General to say that there was a class of cases of exceptional character, although he (Mr. Gibson) believed they would become common if that Bill passed—such as legal assignment by deed of tenancy from year to year. His hon. and learned Friend admitted that that was a class of cases that was not covered by the drafting of the present clause, and he added that he was willing to consider that question, with the view of introducing words into the clause to remedy what might be a great abuse of the landlord's rights.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, he had not stated that the clause as it at present stood did not cover that. All he said was that it was the only case in which it could be suggested that the clause did not provide a remedy. He had certainly added that it was desirable to put the matter beyond all doubt; and if the Government came to the conclusion that there was any doubt about it, it would be made perfectly clear.

Amendment, by leave, *withdrawn.*

MR. GIVAN moved, in page 3, line 8, after "applications," insert the words—

"And may disallow or reduce the arrears claimed by the landlord, if the rent has been an exorbitant rent, or in case such arrears shall not have wholly accrued within three years next preceding the then last Yule day, or that such arrears shall have accrued in consequence of failure of crops, damage by flood, or any exceptional circumstance."

The hon. Member said that if it would be more convenient to discuss this question at a subsequent time, he would be willing and even anxious to withdraw the Amendment, so that it might come on at a more opportune time. But he saw that there was a somewhat similar Amendment in the name of the hon. Member for Cavan (Mr. Biggar), and it would be necessary that they should join in withdrawing both Amendments, and in putting them on the Paper for a subsequent portion of the Bill. He should be glad to learn whether the hon. Member was willing to take that course.

THE CHAIRMAN: I must point out to the hon. Member that his proposal is certainly very similar to the proposal of the hon. Member for Cavan; but while his Amendment is a minor proposition, the Amendment of the hon. Member for Cavan is very much a major one. I presume that what the hon. Member for Monaghan means is that he will not press this Amendment at present, if the hon. Member for Cavan will also postpone his.

MR. GIVAN said, that was exactly what he meant.

MR. BIGGAR said, he had not been able to follow what the hon. Gentleman said with regard to these particular Amendments. They dealt with the question of arrears and excessive rents, and he regarded those questions as matters of the very greatest importance. In point of fact, they laid at the whole root of the Bill. Unless a very decided attitude was taken by the Government upon that particular question the whole of their legislation would fail.

MR. RITCHIE asked what was the Question before the Committee?

THE CHAIRMAN: I have explained to the hon. Member for Monaghan (Mr. Givan) the difference between his proposal and that of the hon. Member for Cavan (Mr. Biggar), and I understand the hon. Member to offer to withdraw his Amendment if both Amendments are withdrawn, and introduced at a subsequent stage.

MR. BIGGAR said, that he had certainly no objection to withdraw his Amendment, if the Government would consider the question hereafter.

MR. GIVAN said, he did not yield to the hon. Member for Cavan in his estimate of the extreme importance of the question, and he quite agreed with the hon. Member that very much of the dissatisfaction and discontent existing in Ireland at the present moment had been to a considerable extent brought about by the state of affairs with which that Amendmeut proposed to deal. He was nevertheless of opinion that these Amendments could be more conveniently discussed, and better discussed, from his point of view, when the Bill had proceeded a little further; and it was in order to have it more effectually discussed, and more effectually decided by the Committee hereafter, that he wished to postpone the Amendment for the present. In appealing to the hon. Member for Cavan to withdraw his Amendment, he wished it to be understood that he only asked him to withdraw it temporarily; but in order that the matter might be fairly before the Committee he would move the Amendment which stood in his name.

Amendment moved,

In page 3, line 8, after "applications," insert the words "and may disallow or reduce the arrears claimed by the landlord, if the rent has been an exorbitant rent, or in case such arrears shall not have wholly accrued with three years next preceding the then last Yule day, or that such arrears shall have accrued in consequence of failure of crops, damage by flood, or any exceptional circumstance."—(*Mr Givan.*)

Question proposed, "That those words be there inserted."

Mr. BIGGAR, seeing that he was now more or less in Order, wished to say that he was anxious to fall in with the view of his hon. Friend the Member for Monaghan (Mr. Givan) in every way that he could, and he had no desire to press his Amendment in an adverse manner. All he wished to know was whether the Government were willing to consider the question. He did not ask them to pledge themselves to the principle involved, either in the one Amendment or the other. But he should like to know if they would consider the question in an impartial spirit; and in that case he would be prepared to put off his Amendment until a period when it could be more conveniently discussed. He should like again to point out that it was this question of arrears and evictions which had brought about the present disturbed state of things in Ireland, and had given rise to the urgent need at the present moment for a Land Bill.

Mr. GLADSTONE: It has been said that various intimations have been given from different parts of the House that hon. Gentlemen desire to make some proposal with regard to arrears now impending—some special isolated proposal as to which I will not now say more than that, having regard to the character of the proposal, I do not think we ought to form any opinion upon it until it is before us. But the Amendment before the Committee is a proposal of a different kind. It is a proposal to embody a permanent rule in our legislation, that permanent rule being that when there is a claim on the part of the landlord for arrears of rent, it shall be in the power of one of the parties to raise the question whether the rent is a reasonable one. To that proposal we are not prepared to give our consent, nor do I know that there would be any great advantage in considering it at a later period. It would, in our opinion, be a most objectionable principle to introduce in any legislation relating to the Land Laws that there should be permanently introduced this power of restricting rents agreed to under contract; but most especially it would be objectionable to entertain any question of that kind in connection with tenures with regard to which at the present moment we are giving the tenant power to apply to the Court for the purpose of obtaining remission of rent.

Mr. TOTTENHAM said, that the proposal of the hon. Member for Monaghan (Mr. Givan) was, in plain language, that whereas any simple contract creditor had six years allowed him wherein to recover debts, the landlord was not to be able to recover what was due to him after three years had elapsed. He was quite unable to see why a man who had shown forbearance to his debtor for more than three years in the matter of the payment of rent should be punished more severely than one who had been the sharpest and most exacting landlord in the country. He altogether denied the assertion of the hon. Member for Cavan (Mr. Biggar) that the question of the recovery of arrears of rent had given rise to the present disturbed condition of the country for which he and his friends were responsible.

Mr. CHARLES RUSSELL agreed with his hon. Friend the Member for Monaghan that the question of existing arrears was one of very great importance, and the necessity of dealing with it in some form was, in his judgment, pressing. The proper way of raising the question would, he thought, be by the addition of a new clause specially addressed to the subject and he had prepared a clause dealing with it.

Mr. BIGGAR thought it right that the attention of the Committee should be directed to the fact that it was not the intention of himself or of his hon. Friend opposite (Mr. Givan) to make the provision contained in his Amendment permanent. His intention was to make it apply to outstanding matters, on account of which farmers were now liable to be evicted from their holdings. Therefore, he thought it right that the suggestion of the hon. and learned Member for Dundalk (Mr. C. Russell) should be carried out, and that the question should be raised in such a way that the Prime Minister should be able to accede to the proposal. Under the circumstances, he was willing not to move his Amendment, and would suggest to the hon. Member for Monaghan to withdraw the Amendment before the Committee.

Mr. GIVAN said, that one reason why he moved the Amendment was that if rent was exorbitant and unfair the tenant would not be able to pay it without being brought to a state of bankruptcy, and that it would therefore be right to put power into the hands of the Court to deal with arrears. He was prepared to withdraw his Amendment on the distinct understanding that it would be renewed.

Amendment, by leave, *withdrawn.*

Amendment moved, in page 3, line 11, leave out the words "the same," and insert "his holding."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment moved, in page 3, line 11, after the word "occasion" insert "of quitting his holding."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment moved, in page 3, line 16, leave out "tenancy," and insert "holding."—(*Mr. Litton.*)

Amendment *agreed to.*

Amendment moved, in page 3, line 18, leave out "claim to."—(*Mr. Litton.*)

Mr. WARTON suggested that the word "elect," which was well known in law, should be substituted.

Lord RANDOLPH CHURCHILL remarked that the word "claim" implied that the tenant must show the right of sale before the Court, whereas, if it were put absolutely, he could sell without public notice on his part.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, there was no harm in the words proposed to be struck out; but as they wished the section to be an enabling section, he was prepared to accept the Amendment of the hon. Member for Tyrone.

Mr. GIBSON thought it would be better to retain the words.

The ATTORNEY GENERAL for IRELAND (Mr. Law) reminded the Committee that the power to sell had already been conferred by the first paragraph of the clause.

Mr. CHARLES RUSSELL thought the word "elect," suggested by the hon. and learned Member for Bridport (Mr. Warton), was the correct one, and "claim" was used as an equivalent; but neither was necessary.

Amendment (*Mr. Litton*) *agreed to.*

Amendment moved, in page 3, line 18, after the word "may," insert "elect to." —(*Mr. Warton.*)

The CHAIRMAN: I must point out to the hon. and learned Member that this Amendment cannot be put in its present form, the Committee having decided that the word "to" should be struck out.

Mr. WARTON submitted that the words "claim to" conveyed one idea, and those which he proposed to substitute another. However, he would move in another form.

Amendment moved, in line 18, after "may," insert "elect that he will."—(*Mr. Warton.*)

Amendment *negatived.*

Mr. LITTON said, the working of the Ulster Custom had been regarded with great jealousy since the passing of the Land Act of 1870, and on many estates rules had been laid down that a tenant should not receive more than a certain number of years' value. In some cases it was three years, in others five, and in a few cases as high as ten. These rules had been imposed upon tenants without their consent since 1870, and if they elected to sell under the custom, and the words of the clause remained as they were, they would sell under the custom limited by office rules. His object being that they should sell without any such restriction, he begged to move the Amendment standing in his name.

Amendment moved, in page 3, line 19, after "usage," insert "unrestricted by any office or estate rule."—(*Mr. Litton.*)

Lord GEORGE HAMILTON said, that, whatever feeling there might be with regard to the Amendment, it was quite clear that it was out of place to move it on the present sub-section. The clause did not in any way apply to or regulate the Ulster tenant right custom. No doubt, in the discussions which had taken place on this clause, allusion had been made to office rules in existence in Ulster; but that had been owing to the misconception that the clause applied to the Ulster Custom. No doubt, the hon. Member could, if he wished, raise the question upon a subsequent clause; but to introduce the words proposed into a sub-section which merely gave the tenant the option of selling his tenancy in either of two ways could only lead to confusion.

Mr. LEA said, he knew of an estate in the North of Ireland in which the tenant right was at one time sold at 20 years' purchase. But the estate having changed hands, an office rule was made which reduced the tenant right to the value of five years' purchase. It was perfectly clear that a rule of that kind largely affected the value of the tenancy. The Amendment was, in his opinion, necessary in the interest of the tenant, as well as for the due working of the Bill, and he trusted it would meet with the acceptance of the right hon. Gentleman the Prime Minister.

Mr. GLADSTONE: While I do not deny that the question is one which might be fairly raised at another time, I cannot but think that the Ulster tenant right custom ought not to be touched in a collateral manner, whether by the abolition or modification of office rules.

Mr. LITTON said, there were other clauses in the Bill which introduced references to the Ulster tenant right custom. If an early section of the Act contained a reference to the custom indicating that office and estate rules were a part of the custom which might be in operation after the passing of the Act, a great evil would, in his opinion, be done. Therefore, unless the words of his Amendment were inserted here, he did not see how this evil could be avoided, because it would be impossible to go back on the clause when it had passed. He agreed that when the option was given to the tenant he need not sell under the custom; and, possibly, so far as this particular section was concerned, no great harm would be done; still, everyone would admit that the Ulster Custom did include estate or office rules. If the Prime Minister considered it more advantageous to adopt the Amendment at a future time he was willing to defer to his better judgment; but he would remind the Committee that even the noble Lord opposite (Lord George Hamilton) could make no objection to the words proposed to be added.

Mr. O'SHAUGHNESSY thought it would be very hard if the Amendment could not be introduced in another part of the Bill after it had been withdrawn by the hon. Member opposite. The tenant might, by this sub-section, elect to sell under the Ulster Custom, and if he did so he ran the risk of being brought under estate and office rules. But he had also the power of selling in pursuance of this clause; and that being the case, he wished some words to be introduced which would have the effect of preventing the landlord saying—"You may sell; but there is a rule on the estate that you shall not get more than a certain sum of money for your tenancy." That was the danger he wished to guard against; however, if an explanation were given from the Treasury Bench that it was the intention of the Government that a tenant selling under the Ulster tenant right custom, or selling under the Act, should not be bound by office rules, he should be satisfied.

Sir GEORGE CAMPBELL pointed out that if the tenant did not like the estate rules he had only to sell under the plain and simple provisions of the clause.

Mr. PARNELL said, in order to prevent misunderstanding, he would like the Attorney General for Ireland to state at what part of the Bill this question might be better raised than at the present. As the Bill stood, it did not propose to remove restrictions in the way of office rules which existed at present in Ulster, and those who desired that they should be removed so as to give the tenant his free choice of selling, either under the old unrestricted and original Ulster Custom, or on the lines of sale laid down by the Bill, were anxious to know when the question could be properly raised. It appeared to him that the present clause was the proper part of the Bill on which to raise any question relating to the sale of tenancies.

Mr. LITTON pointed out that there were two Amendments on the Paper involving the question which was raised by his Amendment. Therefore, he thought it would be safer to discuss the question at once, and that the words of his Amendment, against which the noble Lord opposite (Lord George Hamilton) could urge no objection except that they were unnecessary, should be added to the clause.

Lord EDMOND FITZMAURICE said, the point was closely connected with another—the power of the Court to assess the value of the tenant right. They did not allow the Court to make any rules or valuations tending to interfere with free sale; and, therefore, it stood to reason that what was refused to the Court could not be given to the landlord. He suggested, seeing that the two points were closely connected with each other, that it would be better to put off the consideration of this question for the present, especially after what had fallen from the Prime Minister.

Mr. GIVAN felt that the question raised by the Amendment of the hon. Member for Tyrone (Mr. Litton) was of such vital importance that the decision of the Committee with regard to it ought not to be postponed. He had looked through the Bill, and could see no place in which the words proposed by the hon. Member could be inserted if they were not introduced in the present sub-section. He thought it must have been evident to hon. Members who had been present during the discussions upon the earlier Amendments proposed by hon. Gentlemen opposite that almost all of them were aimed at leaving a loop-hole for the introduction of office rules. No one could suppose that when the usages of Ulster were legalized they were legalized in order to be cut down and destroyed. The words of the Act of 1870 were as plain as any words could be—

> "The usages prevalent in the Province of Ulster, which are known as the Ulster tenant right, are hereby declared to be legal."

There could be no doubt whatever about the meaning of these words. But it was a fact that in the North of Ireland the tenants on some estates could get in the open market double or even treble for their tenancies than they were able to do, owing to the restrictions imposed upon them by estate and office rules. He was bound to acknowledge that no such rule as the limitation he had mentioned had ever been introduced with regard to the estates connected with the family of the noble Lord opposite (Lord George Hamilton), and the consequence was that tenant right relating to them was more valuable than in any other part of Ireland. He contended that to permit the words proposed by the Amendment of the hon. Member for Tyrone to be added to the clause would be of the same effect as if office and estate rules had been recognized by the 1st section of the Act of 1870, because the right hon. and learned Gentleman opposite would argue with all his legal acumen and ability that when the sub-section said a tenant could sell his tenancy in pursuance of this custom or usage, it meant that he could sell his tenancy modified by office rules. Again, it would be said that the 1st clause of the Bill gave the tenant, for the time being, the right to sell his tenancy; but his tenancy was a thing which was qualified by office rules; and, therefore, unless the point was made clear in the manner indicated by the hon. Member for Tyrone, a loophole would be left for litigation between landlord and tenant, the breach between them which existed owing to the fraud upon the Act of 1870 would be widened, and the tenants of Ireland would remain discontented. Therefore, he urged the Committee to adopt the Amendment of his hon. Friend. He had had so much experience of the abuses which the Amendment was intended to obviate that he felt that unless the matter were placed beyond the region of dispute by the wording of this section, and subsequent parts of the Bill, where necessary, the same irritation would continue to exist among the tenants of Ireland as had existed since the passing of the Act of 1870. The question, as he had said before, was one which should be decided in a way that would not give rise to future complications.

Mr. SHAW said, he was entirely in favour of doing away with the so-called office rules, although he did not think it would be wise to press forward the question at that moment, for if it went to a division he was afraid that those in favour of the Amendment of the hon. Member for Tyrone would not carry their point. He could not see any other place in the Bill where the Amendment could be introduced more naturally than in the present sub-section. He wished to know, if a tenant sold, whether he thereby removed his holding from the Ulster tenant right? His belief was that no tenant in Ulster would in future sell under the Ulster tenant right, but that he would elect to sell under this section of the Bill, because it was one part of the custom that the landlord when a sale took place should raise the rent. On the whole he thought it would be better to bring up a separate clause.

Mr. GLADSTONE: I think if hon. Gentlemen look to the proper construction of the Bill they will observe that this is distinctly the wrong place to bring in the subject. We are clear that if the tenant sells under this section there ought to be no restriction whatever; but, as regards the Ulster estate rules generally, I hope the question will not be raised now, because we shall be compelled to vote against the Amendment.

Mr. CHARLES RUSSELL agreed with what the Prime Minister had said, and suggested that whatever form his hon. Friend brought up, it should be introduced after the word "section" and not after the word "usage." He did not regard the time as wasted which had been expended upon this Amendment, because he admitted that this matter was one that was looked upon as of great importance, particularly in Ulster; and he hoped that when the clause was revised the noble Lord opposite (Lord George Hamilton) would favour the Committee by stating the effects of the non-restricted right of sale in Ulster so far as his father's estates were concerned, on which, he believed, a reasonable right of veto as regards the incoming person only was exercised. He knew of an estate in the North of Ireland in connection with which there had been for years a recognized right of sale up to 16 years' purchase. When the estate changed hands the purchaser sought to cut down that right so as to make it conformable to the custom prevailing on other estates of his in the neighbourhood—namely, five years' purchase. The resistance, however, was so great that he was obliged to abandon that mode of attack on the interest of the tenants; but he raised the rents on the estate, so that the position of the tenants became practically very much the same as that of the tenants on the other estates in the district.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he thought a separate clause might with propriety be inserted, to effect the purpose of the Amendment, after the 1st section, or after the section which dealt with the leasehold tenant right of Ulster.

Sir GEORGE CAMPBELL said, that no answer had been given upon the important point raised by the hon. Member for Cork County (Mr. Shaw) as to whether the tenant who sold under the 1st section of the Bill would thereby deprive himself of his rights under the Ulster Custom.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, there was an Amendment on the Paper in the name of his hon. and learned Friend the Member for Antrim (Mr. Macnaghten) on which that point would be discussed.

Dr. COMMINS mentioned that, as the evidence before the Bessborough Commission showed, the Ulster Custom had been hidden away under the office rules, and there had been no way of distinguishing the Ulster Custom, plus the rules, from any other case. He could not see any other place at which a provision to prevent the custom being hidden away by office rules; and he urged that if the tenant was to have the right of free sale, and was not to be rendered nugatory by office rules, the Amendment should be adopted.

Mr. LITTON expressed his willingness to withdraw the Amendment, and said he should prefer to see the Government bring in a clause to the same effect.

Mr. GIVAN alluded to the statement of the Prime Minister that it was the intention of the Government that there should be no restriction on the Ulster tenant right by office rules.

Mr. GLADSTONE said, it was the view of the Government that there should be no application of any Ulster estates rules to the operation of the Bill.

Lord JOHN MANNERS thought it would now be better, in order to save time, to finish the debate and take a division.

Amendment, by leave, *withdrawn.*

Mr. LITTON moved, in page 3, line 21, at end of Clause, add—

"(12.) Upon a sale under the direction of the Court, the Court shall have power to issue an injunction to put the purchaser into possession of the holding."

If the Attorney General thought those words unnecessary he would not press them; but he thought the Court should have this power, because, although a man might have a legal title transferred to him, yet he might have some difficulty with the outgoing tenant to get possession. His ordinary course would be to proceed by ejectment, but that would be a roundabout course; whereas if the Court had power to put him in possession that would be a very simple process. That plan had been adopted in the Landed Estates Court, and might be adopted in this case.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he hoped the Amendment would not be further discussed, for the Court would have power to do what it thought proper as to putting the purchaser into possession.

Amendment, by leave, *withdrawn.*

Mr. HENEAGE said, the Amendment standing in his name raised the whole question of what were called English-managed estates. As the Bill now stood, except the 7th clause, the English-managed estates were in the same position as those managed under the Irish system; and it was thought by many that it was hardly fair to those landlords who had spent a great deal of money in improvements on their estates that they should be placed in the same category as those for whom the Bill was originally framed. As a rule, the estates which had been improved by the landlords were rented at a lower value than those on which the tenants had done everything and the landlords nothing. In such cases the landlords might not wish to raise the rents, and the tenants would be free from ejectment. But there was another question which affected them. It was not only this Bill that must be looked at, but if the Committee once began by saying that free sale was to be imported into estates managed on the English principle, where were they to stop? Mischievous people who had nothing to do with land, but who were always ready to interfere with other people's property, would be found, in a few years, using the Act to introduce free sale into holdings in England; and looking not only to the Bill itself, but to its influence on English landlords, the Committee ought to be very careful. Then he would ask the Committee to consider for a moment the arguments upon which the Bill was originally founded with regard to free sale. They were told that there was no analogy between England and Ireland, and that the chief reason for the Bill was that in Ireland the tenants had done nearly all the improvements, and were not only the occupiers, but the improvers, and they ought to have free sale, because the landlords had put themselves into the position, practically, of rent-chargers. They were also told by the First Commissioner of Works (Mr. Shaw Lefevre), at Liverpool, that there was no analogy between the English and the Irish estates. That was perfectly true in regard to dealing with those estates managed on the Irish principle; but directly they dealt with those managed on the English principle an analogy at once began. That was, perhaps, a dangerous admission to make; but he made it because he thought it well to acknowledge facts. He could not see with what justice those landlords who had managed their estates liberally, wisely, and fairly in Ireland could be put into a penalized position, while those who had neglected their estates in England, and had been equally non-resident, were not also brought under the system of free sale. From the experience he had had in England, and from his examination into the question, he considered that if there were estates to be brought under free sale, they would not be the estates managed on the liberal principles of the English system in Ireland, but the Crown Lands in England. Therefore he could not see how the principles could be kept separate and distinct. Then he should like to remind the Prime Minister of what he said on the first reading of the Bill. The right hon. Gentleman said—

> "In cases where what is called the 'English system' prevails, or, as we define it, where the holding has been maintained and improved by the landlord, we have thought that justice demands that the landlord should not be brought into a new and exceptional state of things which really has no application to the relation which subsists between him and the tenant."—[3 *Hansard*, cclx. 911.]

He claimed, therefore, the speech of the right hon. Gentleman in support of his argument. But the right hon. Gentleman told them something further—namely, that the chief element of tenant right was the result of improvements by the tenant, and their value was what it was worth while for a man to give for it. But he must point out that tenant right existed before the tenant had the right to sell. They would, no doubt, be told that, intentionally or unintentionally, under the Act of 1870 there had been something which had arisen to which the tenant had a right. He admitted that there could be no doubt that there was something undefined which had arisen under that Act; but if that came to be defined before a Court of Law it would be found that on the well-managed estates it was a minimum interest, and not a maximum interest at all. If free sale was to be allowed, he thought that, with the land hunger in Ireland, if a tenancy was to be sold by auction, that would end in the estates on which the landlords desired should be liberally rented coming into the same position as the rack-rented estates. Then that something was difficult to define. It must have connection with the improvements; that something must be a sort of goodwill, for a man could not sell the goodwill of a thing he had not got. In fact, that something which had arisen appeared to him to be in the same position with regard to the improvements for which a tenant might claim on an Irish-managed estate as the mint sauce with regard to the lamb—the one was useless without the other. There could be little claim to goodwill where there had been no improvement. He was quite aware that the English-managed estates were exempted from the 7th clause; and they would be told that in that respect, no doubt, the estates maintained and improved by the landlords were placed on a better footing than those maintained and improved by the tenants. That might be so theoretically; but he ventured to say that it might not be so practically, because the only remedy which a landlord had was to raise the rent; but the moment he did that he could be dragged into Court under Clause 3, and if it was there found that he had exceeded the amount which, in the opinion of a majority of the Court, he should fairly charge, he would be liable to be mulcted in 10 times the amount in excess. Therefore, he practically went into Court with a rope round his neck. He maintained that the Bill would be better and simpler if the landlord had free access to the Court given to him; but on the face of the Bill the landlord had not free access to the Court. He could not go to the Court and ask the Court to fix the fair rent; he must raise the rent first, and then be dragged, with a rope round his neck, into Court by the tenant. That, he thought, was a strong reason for some provision being made in the Bill with regard to estates maintained and improved by the landlord. There was also another strong argument. The Courts would have quite enough to do, and should not be overburdened with useless cases; and it was bad to allow the tenants to think that they had a right to the landlord's improvements—an idea which was easily instilled into their minds, and which would lead to constant litigation. The Bill ought to show that in certain estates managed on the Irish principle the tenants had a great claim; but on estates managed under the English principle they should have next to no claim whatever. As the Bill now stood that was not so, and he would ask the Government to give a fair consideration to his Amendment, because, in his opinion, and in that of many of their own supporters, some such words ought to be added to the Bill.

Amendment moved,

In page 3, line 21, at end of the Clause, to add the words, "Provided always, That, subject to the discretion of the Court, the provisions of this section shall not apply to the tenancy of any holding which has heretofore been maintained and improved by the landlord, or his predecessors in title."—(*Mr. Heneage.*)

Question proposed, "That those words be there added."

Mr. GLADSTONE: In following my hon. Friend I will put aside one or two remarks which he will himself admit are not really the matter at issue. With reference to the landlord's access to the Court, we have nothing to do with that subject on this Amendment. Let that be considered without prejudice when we come to the proper part of the Bill. Neither have we anything to do with the difference between low-rented and rack-rented estates. An English-managed estate may be rack-rented to the highest point, and an Irish-managed estate rented down to the lowest point. The real question is with regard to English-managed estates, and my hon. Friend is justified in founding himself on a distinction which I shall not venture to criticize in detail, because we have introduced it into the Bill ourselves, and therefore we are bound by it. We must be supposed to admit that there is no distinction between what we colloquially call English-managed estates and other estates. That distinction we have extended in the Bill this far—we have empowered the Court to exclude English-managed estates from these important provisions of the Bill which relate to the fixing of a judicial rent. My hon. Friend asks us to go a great deal further, and to exclude the English-managed estates. That, I think, is the intention of his Amendment. [MR. HENEAGE: To allow the Court.] I am not quite sure that I do understand how far the Amendment proposes to go; but, at all events, it more or less excludes English managed estates from the operation of the Bill with regard to tenant right.

MR. HENEAGE: Whereas, by the Bill, the presumption is in favour of the tenant on English-managed estates, the presumption by the Amendment is in favour of the landlord, and if the tenant wishes to go into Court and prove anything he thinks he has a right to do, he can do so.

MR. GLADSTONE: I do not think I speak unfairly when I say the Amendment, more or less, excludes those estates from the operation of the Bill with regard to tenant right. I wish to bring that question clearly before the Committee, because it is one of considerable importance, although I am not sure that I shall succeed in giving an adequate exposition of it. We have excluded, or propose to exclude, English-managed estates from the system of judicial rents, because the judicial rent is an innovation not only in this Bill, but in the general provisions of the law relating to landlord and tenant. It is an entire innovation, and on that ground, and not believing it to be required by English-managed estates, we have excluded them—for when we empower the Court, the meaning of that is to direct the Court to exclude them from the provisions of the Bill as to tenant right. But is the question of tenant right a parallel case? What is tenant right? It is interest in an occupation. That is no innovation in this Bill; that is no innovation in the general law as to land. The general Common Law accepts the right of a tenant to sell his interest in his holding. What we are doing is this—we are removing the shackles which, by practice in this country, and by the Act of 1870, were placed on the Common Law right of the tenant to sell his interest. If that be so, my hon. Friend will see at once upon how different a footing stand the two questions; one whether we should exclude English-managed estates from the judicial rent; the other whether we should exclude them from the provisions of the section with regard to the sale of the tenant right. My hon. Friend spoke of introducing a new and exceptional state of things. I wish to point out that this Amendment would introduce a new and exceptional state of things. I must call upon him to observe what we have already done—what we have done by the Act of 1870 in confirmation of the principle of the right of assignment. We have done this—before the Act of 1870 the tenant had, in the absence of any covenant to the contrary, a right to assign. That was tenant right. By the Act of 1870 we fortified that right by compensation for disturbance; and, although it has been truly said that compensation for disturbance was not enacted for that purpose, yet the effect of that compensation, in all cases where the farms to be aided were fewer than the people wanting the farms, was to give additional value to the estate. But that additional value is the value which the tenant will possess in a very moderate degree on the English-managed estates. If a man has an English-managed estate, from which he cannot be evicted without the payment of compensation for disturbance, he has a tenant right for which there will be plenty of people ready to give him money. How are you to treat that tenant right? My hon. Friend's Amendment would be absolutely ineffective. He proposes to empower the Court to exempt these estates from coming under the provisions of the 1st section of the Bill. Suppose you do. Suppose a man goes into the open market in the exercise of his Common Law right; are you going, by this Bill, to prohibit him from availing himself of that right? Yet, if the hon. Member wishes to attain his object, you must do that. What would be the effect of the Amendment? The tenant has got an interest that is of value; he would go and sell that interest; but he would sell it without any of the restraints or pre-emption in favour of the landlord, or security to the landlord, which we have been providing by the particulars of the 1st clause of the Bill. Under these circumstances, will my hon. Friend really press on his Amendment? Does he mean that he will introduce into the Bill an enactment to say that on English-managed estates the right of assignment shall be subject to the prohibition of the landlord?—because unless he does that he does nothing, and if he attempts to do that he will be attempting, for the smallest purpose in the world, to introduce an enactment which will be of a most invidious, and, I may say, of a hopeless character. I do not think my hon. Friend would wish to propose a prohibition on the part of the landlord, especially after the admission has been made that this right of assignment is a Common Law right. When we are introducing these exceptional provisions, on the part of the tenant, into the Irish Land Law it is too late to withdraw from the tenant the benefits of the principle to which he is entitled under the Common Law. It would be most injurious to the landlord for these sales to take place without any security to him, for, however much the tenant might be in arrear, the landlord would not be able to refuse to receive a new tenant, and would, consequently, have no security for the payment of arrears out of money received for the tenant right. What is the case on the other side? The hon. Gentleman has said that on an English-managed estate, where the improvements have not been made by the tenant, the interest is a very minimum interest, and that is quite true. Surely there is no objection to allowing the man to dispose of it? His interest adjusts itself to the circumstances. If large improvements are on his property he will give a large sum for the tenant right, because he will have his improvements to sell as well as his security in his tenancy; but if he has no improvements to sell, and only has his occupancy, no doubt his interest will be small; but why should he not be allowed to sell that small interest? Why should we create an invidious distinction between him and other tenants if there are people ready to pay him for his interest? Is not this a startling paradox that there is something of extremely small value which, if you will only allow a man to offer it for sale without restriction, will become of high value? An open market endeavours to get at the true value of a thing; and it is a false idea of the virtue of an open market to suppose that that which is of small value when offered for sale without restriction will become of high value. I am sure that my hon. Friend will see the distinction between our withholding from the tenants and landlords of estates of a certain class a perfectly novel provision that has no place in the general law; and, on the other hand, withholding from them the right which is rooted in the general law, and which can only be excluded from the Bill by a special, and, I think, impossible enactment.

Mr. MARUM said, he could not allow the Prime Minister's remarks to pass by without some comment. The right hon. Gentleman had alluded to the 8th subsection of the 7th, or rental clause. He (Mr. Marum) wished to protest against the provision in question, and to declare that he considered it one of the greatest blots in the Bill.

Mr. DUNDAS thought that if the Amendment was accepted there would be a departure from uniformity of law throughout Ireland, and he was not prepared to say that that would not be a matter of great advantage. If they looked at the practice, whatever Common Law rights there might have been, tenants had not been allowed to sell. All estates should not be included in the Bill, otherwise, upon estates managed on the English system, the landlord would be obliged to raise his rent, or sell his improvements to the tenant. In any case the tenant would have a large sum of money taken out of his pocket, and he would not be likely to conduct the agricultural operations of his farm in a satisfactory way, or be as good a farmer as he had hitherto been. These were facts of great importance; and he thought the matter of uniformity of law was only a small theoretical point. There were many farms on which the tenants had contracted out of the Act of 1870; and, at a later stage, he would take the liberty of bringing in an Amendment to deal with these cases.

Sir WALTER B. BARTTELOT said, there could be no doubt that this was a very important question, and that it went a great deal further than the Prime Minister would have liked it to go, or than he allowed it did go. There were certain landlords in Ireland who, in the interests of their tenants, had treated their estates as what were called "English estates" were treated. They had laid out their money in draining the land and putting up buildings; and, in fact, had allowed the tenants to go to no expense at all. These landlords had taken care that there should be no free sale upon their estates, and had solemnly contracted with their tenants, in many instances, that no such thing should exist. On these estates no one knew when a tenancy was to be vacant, or who the future tenant was to be. He might come from the neighbourhood, or he might be selected from a distance; in fact, the landlords had done all they could to retain in their own hands all those rights and privileges which, in 1870, the Prime Minister himself thought so much of. His great object then was that the landlord should live on his estate and discharge all the duties of a landlord, laying out his money to the best interest. The Prime Minister had distinctly laid it down that it was better, in the interest of all parties, that there should be compensation for disturbance, and he had distinctly stated that there should be no right whatever; and he (Sir Walter B. Barttelot) held the right hon. Gentleman to these words, which were most important. If they meant nothing at that time, then the right hon. Gentleman never ought to have made use of them, because people had dwelt on them and had believed them, and, on the strength of them, had felt themselves secure in laying out their money on their estates. He would put it to the right hon. Gentleman, when people had laid out money in this way—when they had managed their estates to the best of their ability, when there were no complaints on them, and everything had been done to the benefit and interest of the tenants—by what right, unless there was something which, in the public interest, should condemn them, ought they to be mulct in the way proposed? The right hon. Gentleman had no right to deal with them as he had said he would deal with them. The Prime Minister had shown that earth hunger was the one thing which had disturbed Ireland so much. Well, they were obliged to look at all these clauses, and, when the right hon. Gentleman said—"We are going to consider the principle whether landlords are to go into the Court," he (Sir Walter B. Barttelot) would answer him boldly—"If the landlord is to have an equal right with the tenant to go into the Court it would very much facilitate the passing of this Bill." If the right hon. Gentleman wished to facilitate the progress of the measure, the more information he gave them with regard to the concessions he should be able to make the more easily would the Bill be passed. There were two or three points—he was not going into them now—concessions on which would greatly shorten the labours of the Committee. He, however, would only now dwell upon this matter of the well-managed estates. The right hon. Gentleman had said that in Ireland the earth hunger was so strong that rents might be raised and people would come and rent land at most exorbitant prices. People would do that now. They would pay exorbitant prices for farms on estates where great improvements had been carried out, and how was the right hon. Gentleman going to prevent it? The farms would be publicly sold, no doubt; but when it was known that the rent was low, that everything had been done, that the tenant could step into a good holding, and that he would find everything necessary at his hand, a far higher price would be bid for it. There was no disguising that fact, and he ventured to say it would be one of the cruellest acts of injustice to men who had endeavoured to do their duty to allow the Bill to pass without some provision to protect their properties. He knew several estates of this kind, and, seeing what the landlords had done, they were bound to consider the matter well and fairly. He was not quite sure that the hon. Member who had brought forward the proposal had put it quite as clearly before the Committee as he might have done. He might have gone more into detail, and have shown that these estates could not be compared with the others with which the Bill dealt. The Prime Minister had himself admitted it by saying that these rents were not to be touched when they came to Clause 7. But that very admission showed that the free sale clause was unjust, and the worst of all the provisions of the Bill. It was the thing which would damage the incoming tenants more than anything else which had been done, and many would live to rue the day when free sale was granted to the whole of Ireland. Nothing would pauperize Ireland more than the free sale which would be given under the 1st clause of the Bill. He would not go further into the matter; but he did not think the Prime Minister had touched the real question at all. He had said that there was nothing to sell, or that there was only a small modicum; but it seemed to him (Sir Walter B. Barttelot) that more would be given for these than for any other properties in Ireland.

Colonel COLTHURST wished to point out two fallacies which, it seemed to him, were to be found in the Amendment, and certainly in the speech of his hon. Friend. The first was that free sale—or the Ulster tenant right, which was the same thing—was, *per se*, a bad thing. With regard to this, it was quite sufficient to point to the Province of Ulster; but he would give one authority, which, he thought, ought to have some weight with right hon. and hon. Members opposite—namely, the late Lord Chief Justice Whiteside. His Lordship, speaking of the Ulster Custom, had said—

> "If these principles have been productive of so much benefit in Ulster, they ought to be extended to the rest of Ireland;"

that was to say that the very thing ought to be done which his hon. Friend said would cause the ruin of Ireland. The number of estates in Ireland upon which all the improvements had been done by the landlord was infinitesimal. They were really not worth taking into consideration. He still further maintained that on these estates the right of free sale, or free sale as understood by this Bill, would not injure the landlord in the least. It was quite true that in regulating the rent account should be taken of the improvements effected by the landlord, and the landlord having let his land for a small sum. But he was afraid there were very few estates on which the improvements had been made entirely at the cost of the landlord, and the land was let at a low rent. It would be unreasonable to suppose that it should be otherwise, taking into consideration that three-fourths of the holdings were under the value of £60 a-year. It would be impossible for any except a few of the richest landlords to make improvements on such small holdings, and, at the same time, let them at low rents. Therefore he thought that all these Amendments tending to regulate free sale, and pointing out the hardships to which what were called "improving landlords" would be subject were entirely illusory. Such estates as those in question would be infinitesimal in number compared to the great mass of the estates in Ireland. He was glad Her Majesty's Government would not accept the Amendment, and trusted they would resist all similar proposals.

Mr. STUART-WORTLEY said, that if they had set out with a clause to the effect that in future no landlord could refuse his consent to the assignment of a tenancy except under conditions mentioned in sub-section 5 of Clause 1, free sale would have been granted at once, and the Committee would have been spared all these discussions as to what it was the tenant had to sell. Whatever might have been the intention of the Government in otherwise drafting the Bill, there was a certain amount of it which was rather startling; and hon. Members on that (the Conservative) side of the House would like to be told what was to be done in the case of those tenants—and they were not a few in number—who had divested themselves of the right of assignment—who had enabled the landlord, by contract, to prohibit them from assigning to a person of whom he might not approve. They had been told that the tenant's interest was resolvable into certain elements. The present Amendment applied to those cases where the tenant's interest did not consist of improvements made by himself or any previous tenant, nor in money he had paid, so that he had no interest but the fancy value which unwholesome earth hunger gave to his tenancy. A landlord might strive, by every means in his power, to keep his land outside the operation of the Act. No one should blame him for this; and, surely, if he should be able by making improvements to exclude his estate from the operation of the Act, the effect would not be bad. On the other hand, the tenant's interest would be to make improvements in order to bring himself within the Act. It seemed to him, therefore, that if the Amendment were adopted they would bring about a healthy competition between the landlord and the tenant. The landlord and the tenant would be perpetually striving who should do the greatest amount of good to the land. He did not believe in legislation which failed to favour the application of capital to production in Ireland. If the efforts of those landlords who, in the past, had expended money in improving their estates met with no recognition, in the future there would be very little disposition to cause capital to flow into the land which had so long and so disastrously stood in need of it.

Lord EDMOND FITZMAURICE pointed out that although this Amendment had been discussed at considerable length the time of the Committee had not been wasted. The point at issue was one of the most important that were likely to be raised; and when, one way or the other, the Committee had disposed of it, they would have passed one of what might be called the principal obstacles to the rapid progress of the Bill. The more thoroughly they threshed out the point at this stage of the Bill, and disposed of their doubts concerning the clause, the more rapidly would they be able to dispose of the remaining provisions. It was perfectly true, as the Prime Minister had reminded them, that, strictly speaking, they could not discuss anything but the clause immediately before the Committee; but it was almost impossible to discuss this Amendment, or any part of Clause 1, without having mental reference to Clauses 3 and 7. He specially dwelt upon this point now because there had been a great deal of unreasonable impatience outside the House as to the progress made by the Committee. It was no waste of time to discuss these little details, because in dealing with them they were deciding important points that would otherwise have to be considered later on. But, no doubt, these small points had been much too disagreeable for Gentlemen who criticized the proceedings of the Committee in the Press to make themselves acquainted with; therefore, the future rate of progress of the Committee had been calculated according to the rate of progress made with Clause 1. He mentioned these things in order to point out that those who criticized the action of the Committee were utterly unacquainted with the details of the measure, and to give him an opportunity of declaring that he, for one, was most anxious to do nothing to impede the legitimate progress of the Bill. He challenged any hon. Member to say that the Amendment of the hon. Member for Great Grimsby, or any other Amendment proceeding from that part of the House, was anything else than to the point and properly drawn, as far as its terms were concerned. There could be no doubt in the mind of any unprejudiced person that the proposal of the hon. Member for Great Grimsby tended to promote the progress of the Bill; and in supporting that Motion he wished briefly to reply to what had been said by the right hon. Gentleman the Prime Minister. The right hon. Gentleman said, among other things, that the hon. Member for Great Grimsby seemed hardly to grasp the full significance of his own Amendment; and he then proceeded to show that the Amendment, when properly understood, might be shown to refer to, or to touch upon, a matter so small as to be hardly worth consideration. He (Lord Edmond Fitzmaurice), on the other hand, thought his hon. Friend had shown that he was fully master of the question which he had brought forward, and he ventured to say further—in spite of the dictum of the Prime Minister—that, in his view, the question involved in the Amendment was not a small but a very great one, perhaps, indeed, the most important that the House would have to discuss while it was in Committee on this Bill. The proposal, in brief, was to exempt what were called English managed estates from the operation of the clause which was under discussion—in other words, to exempt such estates from the free sale of the tenancies mentioned in the 1st clause. In asking the Committee to set up a class of exemptions in regard to free sale, his hon. Friend had set out on the ground of the consideration that the House, in being asked to adopt this measure, was asked to do so because the measure was one which was justified only by the peculiar circumstances of the Irish land tenure. Evidence given before the Devon, the Richmond, and the Bessborough Commissions, and statements contained in *Thom's Almanack and Directory*, a most interesting and well-informed publication, showed that in Ireland it was the custom for the tenants on estates to make the permanent improvements, while in England such improvements were made by the landlords. It was also shown further that the English custom had crept into the management of Irish estates by reason of the fact that many of them had been put under the management of English agents who went to their work imbued with English ideas. Whether the English system had or had not been adopted to any large extent was a mere matter of detail, and did not in any way affect the question of principle which was involved in the proposal of his hon. Friend, for it was to him a novel principle of law that because any class of people were few they were not to be held entitled to protection. That was a dangerous and a startling doctrine, and one which, if adopted in any system of law, would be monstrous in its consequences. Leaving out of the question, then, the point as to the small or large number of cases of the kind, he wished to consider what might be called the argument of the Prime Minister. As far as he was able to understand the matter, the argument of the Prime Minister was that the right of the tenant to sell his tenancy was based on one or all of three things—namely, improvements which he had made; compensation for disturbance, and the term of his tenure. As far as the question of improvements was concerned, he was speaking now of English-managed estates, on which the improvements had been made by the landlords, so that particular hypothesis as to right of sale did not apply. Then came this question about compensation for disturbance, which was the foundation for the mysterious something which it was said belonged to the tenants. But that argument, in his view, was a fallacious one, in that it was based upon the perfectly arbitrary supposition that in the case of every tenancy under the Land Act of 1870 the Court would have adjudged compensation for disturbance at the maximum rate. These were mere assertions, for compensation for disturbance was a contingent and not an absolute right; and although it might be necessary, in regard to small tenancies, to recognize what had taken place, no one could be justified in founding arguments on arbitrary suppositions. Then they were told that yearly tenancies were terms of tenancy so short that his hon. Friend was scarcely justified in basing any argument in support of his Amendment upon them. It was not, however, in his view, a small question, because, although, at the present moment, the question of this particular tenant right might be one of comparative unimportance, it might, under the operation of the Bill before the Committee, become a matter of very great importance. What he wished to make perfectly clear was that there was or ought not to be in reality any difference of opinion as to the facts between his hon. Friend the Member for Great Grimsby and the right hon. Gentleman the Prime Minister, the only divergence being as to the inferences to be drawn from the facts. The Prime Minister had said that these different elements of tenant right prevailing on English-managed estates or holdings, it was absurd to assume that a large sum would be given for the tenant right or other grounds of compensation provided by the Bill. It was, however, well known to those who had a knowledge of the country that extraordinarily large sums were paid in Ireland for properties which, in fact, were of small value. It was, in his view, under a complete delusion that the Prime Minister had based his argument on this branch of the question, for it was absurd to assume that there was not a something for which a man of business would give little or nothing for which an Irish tenant would not give a large sum. There could be no doubt that one of the most terrible causes of poverty in Ireland would cease to operate if this was not the state of things. It was matter of notoriety in Ireland that unreasonable sums were given by tenants for the occupancy of land, and, these sums being given, when, in course of time, the tenant found that he could not get back the interest on the money for payment of which he had acquired the right of entry upon his holding, he began to clamour for a reduction of his rent. This being so, he complained that, as the clause at present stood, it was not possible to see how far it would be in the power of the Court to protect landlords against the payment by persons wishing to occupy land of these unreasonable sums, which would constitute the nucleus of a large tenant right which would eat into the rent and tend to keep it down to what was less than a just sum to be paid. For these reasons he should support the Amendment of his hon. Friend the Member for Great Grimsby. Hon. Members knew that they were threatened before long in that Committee with a very disagreeable controversy about compensating the landlords; and in view of that he might be allowed to express his belief that if the Amendment now before the

Committee were accepted nothing more would be heard of those demands for compensation—demands made on behalf of the English-managed estates, on which large sums of money had been expended by the landlords in the making of improvements, such landlords having conducted the management of their properties on what might be called civilized principles. All that his hon. Friend the Member for Great Grimsby asked was that the good landlords should be exempted from the operation of this clause, and whether they were many or few was in no way the point at issue.

Mr. SHAW LEFEVRE said, his noble Friend seemed to think the Amendment before the Committee one of the most important in the Bill, mainly because he appeared to think that a considerable number of estates in Ireland were conducted on the English principle.

Lord EDMOND FITZMAURICE said, he had been misunderstood. He put the issue referred to entirely aside.

Mr. SHAW LEFEVRE, resuming, said, he understood his noble Friend to say that in any case, whether the estates conducted on the English principle were many or few, the proposition of the hon. Member for Great Grimsby ought to be adopted. He had himself been in many parts of Ireland, and ventured to say, as the result of the experience thus gained, that there were in the whole country very few estates managed on the English plan. He might go further, and say that he had the authority of a Member of the Duke of Richmond's Commission for saying that the Commission had not found a single estate in Ireland managed purely and simply on the English system. In further proof of this, he would refer to a Return which had been laid before the Richmond Commission. The Committee of landlords had collected statistics of expenditure, and it was shown by the figures that in the course of 30 or 40 years the landlords had expended £3,500,000 in the making of improvements on their properties, which extended to about 4,000,000 acres. This was at the rate of about 2½ per cent per annum, whereas the expenditure of English landlords on their properties in the way of maintenance and improvement was not less than at the rate of 15 per cent per annum.

Lord RANDOLPH CHURCHILL called the attention of the hon. Gentleman to the Fitzwilliam estate.

Mr. SHAW LEFEVRE said, he believed that even on that estate a great many improvements had been made by the tenants. With respect to the £3,500,000 which had been expended by the landlords in making improvements on the 4,000,000 acres to which he had referred, more than half had been borrowed from the State, and the interest on the loans had been paid, not by the landlords, but by the tenants. He did not deny that, in a certain number of cases, the Irish landlords had made improvements on their properties by constructing main drainage works on their estates, and advancing money for the building of houses. But, at the same time, it could not be denied that the cases of English-managed estates were so few that they could be very easily counted, and provision was made in the Bill to meet them in such a way as that tenants would not be allowed to go to the Courts for judicial determinations of rent, but would remain, simply, tenants from year to year, and would be in a position to sell such tenancies which they could now do at Common Law, which it was not proposed to repeal by the present Bill. Setting the benefit the landlord would gain under Clause 1 against the loss he might be supposed to suffer under any other of the provisions of the Bill, he could not but think that the balance of advantage was in his favour.

Mr. CHAPLIN said, the right hon. Gentleman seemed to think that the proposal of the hon. Member for Great Grimsby did not go far enough; but there was a fallacy in his argument when he urged that the tenant would not continue under the terms of the Bill the freedom of sale of his holding which he had before, when the rent came to be settled. He had listened with great satisfaction to the speech of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice), who had demolished altogether the argument in favour of the clause as it stood, and he could not understand how the noble Lord was able to reconcile his speech with the general support which he had promised to give to the Bill. On the general question, he could not understand the statement of the right hon. Gentleman the Prime Minister as to the regulated tenant right, taken in connection with the subsequent statements that had been made showing that the tenant right was to be an altogether unregulated one—the Court having to settle the value of the tenant right in every case. If that was the case, it was an additional reason why estates managed on the English principle should be altogether excluded from the operation of the clause under discussion. He was told that the members of the Land League were not particularly anxious that the Bill should pass; but if it did pass, he thought it not improbable the League would advise all the tenants to go into Court at once, for the purpose of getting a judicial rent—applications the hearing and deciding upon which would occupy from 10 to 15 years at the least—with the additional piece of advice that they should pay no rent at all until the amount had been fixed. The argument as to the right of assignment under the Common Law by yearly tenants, if true, would apply with equal force to tenants holding under similar tenures in this country. He thought there ought to be some clear definition of the meaning of the words of the Amendment. It applied to tenancies—

> "Which have heretofore been maintained and improved by the landlord or his predecessors in title."

Did those words mean that in the case of a holding on an estate of 50,000 acres, where the landlord had maintained all or any of the improvements, the effect of the Amendment would be vitiated by the tenant having erected half-a-dozen pig-sties? To make the meaning perfectly clear some words were still necessary; and, with that proviso, he was willing to give the Amendment his support.

MR. CARTWRIGHT said, that having listened with the greatest possible attention to the speeches of the Prime Minister and the First Commissioner of Works, and with every disposition to be convinced by them, he felt bound, nevertheless, to support the Amendment of his hon. Friend the Member for Great Grimsby. The arguments which had been adduced against his hon. Friend's proposal were, in his opinion, beside the mark, one of them being that it struck at the right of absolute freedom of sale. But he ventured to say that this was not within the four corners of that proposal, as he understood it. It was meant to protect the property of one man by providing that his property should not be made the asset of another. In that sense his right hon. Friend the First Commissioner of Works had made a very great point by saying that the Amendment was superfluous, because he stated there were no estates in Ireland which, properly speaking, were managed on the English system. That statement he disputed entirely, partly on his own knowledge, partly on information derived from persons thoroughly acquainted with the matter, and also on the words of the Prime Minister. If there were no English-managed estates in Ireland, why, he asked, were sub-sections introduced into the 7th clause to except English-managed estates from the operation of the Bill? Sub-section 8, Clause 7, said—

> "Where an application is made to the Court under this section in respect of any tenancy, the Court may, if it think fit, disallow such application where the Court is satisfied that the holding in which such tenancy subsists has theretofore been maintained and improved by the landlord."

He could not suppose that in drafting the Bill a sub-section would have been introduced guarding a class of estates if that class of estates had never existed. In respect of that sub-section he pointed out that the Amendment of his right hon. Friend was precisely in conformity with the spirit which had dictated it. The sub-section said that the Court might disallow the application in the case in question; and the Amendment said that the discretion of the Court, in estates referred to where they did exist, might be excepted from the operation of the clause. It had been said by the hon. and gallant Member for Cork County (Colonel Colthurst) that such estates existed, but that their number was infinitesimal, and that it was not worth while to legislate for them. He disputed that, and said if only one landlord in Ireland had invested his money in improving his land, those improvements ought not to be made the asset of another. Take the case of an estate where the landlord had made those improvements at his own cost. He wished to know what protection existed in the Bill, as it stood at present, for a landlord in this position? There was none whatever; and, therefore, it was necessary to introduce an Amendment like the present in order to secure to the landlord his property. If they did not secure the landlord who managed his estates on the English system in the way proposed, there was only one *modus operandi* left to him, which the Attorney General for Ireland had so often alluded to, and that was to raise his rents. In no other way could he protect himself against loss. But could anything be more odious and more likely to expose landlords in Ireland to obloquy than that in order to secure themselves against loss they should be obliged to threaten to raise the rents of their tenants? The 56th paragraph of the Report of the Bessborough Commission stated that it would be odious to impose on the landlords, who were improving landlords, the necessity of covering themselves against loss by the raising of rent. Another testimony which he wished to bring forward in support of the fact that there were such landlords in Ireland was contained in a passage of the speech of the Prime Minister on the second reading of the Bill, in which the right hon. Gentleman said that happily the improving landlords in Ireland were many. Believing that the Amendment was one which simply meant to introduce a Proviso by which landlords, who had themselves sunk money in improvements for which they had not recouped themselves, could bring their case before the Court and be able, in a legitimate manner, to recover their outlay without going through the odious process of raising their rents, he should give it his cordial support.

MR. RODWELL said, as the Amendment he had placed upon the Paper was of somewhat similar character to the present, and as he apprehended, when they arrived at it, he would only be able to move it in a mutilated form, he therefore took the opportunity of stating the reasons that induced him to give his entire support to the Amendment of the hon. Member for Great Grimsby. Although he should confine himself strictly to the point of free sale of tenant right he did not think one could entirely overlook the circumstances and causes that had led to the introduction of this Irish Land Bill, because it seemed to him that, although the Prime Minister wished to narrow the issue rather unfairly, as he thought, to his hon. Friend opposite, yet, at the same time, regard must be given to the general scope of the Bill and the effect that this clause would have upon the landlord as it stood. This Bill was called into existence for the purpose of preventing some landlords in Ireland from indulging their cupidity by preying on the greed for land that existed among the tenant class in Ireland. That was one of the objects of the Bill. The other was to prevent the exercise of the right of eviction in a manner capricious and hard to the tenant. But the fact that had a great bearing upon the point under discussion was that of improvements. The whole difficulty had arisen from the fact that improvements in Ireland had been carried out rather by the tenant than by the landlord. Now, Clause 1 as it stood would at once constitute a partnership between the landlord and the tenant directly this Bill was passed, and it would affect good, bad, and indifferent landlords alike. Whether the landlord had been performing his duties with generosity, or the reverse, whether the improvements were his or the tenant's, the moment the Bill was passed the tenant would have a right to something which, at the moment, he did not possess. What that "something" was nobody yet had been able to discover. It was not a corporeal hereditament nor an incorporeal hereditament, and it seemed to him peculiarly an Irish hereditament, and he very much questioned whether this "something" could be worth very much, assuming that the improvements had been carried out by the landlord. It was perfectly fair and right that when this partnership was forced on the landlord by the admission of the tenant that the tenant should have the perfect right of selling his portion of the capital, which was the value of improvements he had made in the soil; and he was perfectly willing to admit that in many instances the share of the tenant far exceeded that of the landlord in his partnership. But there were cases in which the tenant contributed no capital at all, and those cases the Amendment was intended to meet; and the question was whether the tenant, who was only nominally in partnership with the landlord, was to have the same rights, and to be put in the same position, as the tenant who had contributed to the partnership by his improvements in the landlord's property.

That was the question. He did not suppose anyone would imagine that had it not been for the improvements, which somebody had called the "lamb," and this something, the "mint sauce," that there would be the right to sell the "mint sauce" without the "lamb," or that there would have been any "mint sauce." Without this Amendment a great injustice would be done to the landlord who, for years past, had discharged his duties in a way probably satisfactory to his tenant, and who, having done the improvements himself, gave the tenant no right to claim anything. He had said this "something" was indefinite; but there was a remarkable expression in the Report of the Bessborough Commission which conveyed to his mind the feeling of the Commission that unless the tenant had contributed something, you would, by this clause, do an injustice to the landlord, because the Commission said—

> "In the same extent that you convey a right of ownership to the occupier *pro tanto* you diminish the rights of the landowner."

That was a sound proposition. What the "something" was he did not know; there was nothing specific or real, but the improvements in the soil and the same rights should not be extended to the tenant who had not, as to the tenant who had, carried out all the improvements himself. Looking at the whole scope of the Bill he saw no ground for the opposition to the Amendment of the hon. Member for Great Grimsby. He had listened with great attention to the speech of his right hon. Friend the First Commissioner of Works, who was a great authority, or was supposed to be, on this Irish Land Question; and he must confess he thought that speech was most disingenuous, and for this reason. He said the power of assigning in England was the same as the power of assigning in Ireland. Now, he (Mr. Rodwell) would venture to dispute that. In England, no doubt, there was power of assigning; there was a certain freedom of contract; but in Ireland that power was barred. The cases were not parallel between the right to assign in England and in Ireland, and his right hon. Friend conveyed an error in his expression as to the like condition of things in England and in Ireland. The right hon. Gentleman made another statement, which showed that during the calls upon his time in the discharge of important duties he had not been able to read the evidence produced by either of the Commissions which sat, because if in that evidence there was one thing clearer than another, it was that there were in many parts of Ireland estates that were managed upon the English system. Whether he meant managed by Englishmen or not he did not know; but, beyond doubt, there were in this "litter of reports" cases—he would not mention names—where estates were managed on the English system; and the most prominent distinction was drawn between the English and the Irish system, between the relations of landlord and tenant in one, and the relations of landlord and tenant in the other. It was admitted also—he did not quote the language used, for everyone knew it—by the Prime Minister, and Sir Roundell Palmer, the present Lord Chancellor, that the system introduced by the Land Bill of 1870 was not applicable to England, because the relations between landlord and tenant in England were different to the relations existing in Ireland. The Prime Minister had, in this particular, put the point fairly; and the question now was, whether any difference was to be made in the cases where estates were managed according to the English system from those in Ireland which were not so managed? And he thought, using the language the right hon. Gentleman had employed on that previous occasion, if it could be shown that there were in Ireland estates managed on the English system, then those estates should be exempted from the operation of Clause 1. If it was right that estates managed on this side of St. George's Channel in a peculiar manner should be treated in a particular way, why should estates, perhaps belonging to the same owner, on the other side of St. George's Channel, and managed in the same way, be treated differently? Could it be said that it was impossible to introduce an exception to this clause? Why, he could do it in five minutes. The Amendment of the hon. Member did it. Was it to be laid down as a principle that because, where a tenant had made improvements, or where he had contributed capital to the farm of which he was occupier, he thereby had rights and privileges, that the tenant who contributed nothing should have the same rights and privileges? He could not follow such an argument at all. It appeared to him that the whole thing hinged on the question of improvements; and if there were no tenant's improvements, then it was a hard thing that the landlord should be subjected to the operation of the clause. He found fault, again, with the Chief Commissioner of Works when he said that landlords did not object to this; and here, again, it was evident he had not read the Report of the Bessborough Commission, for it was distinctly stated, on page 59, that landlords could get over fixity and fair rents, but they did not like free sale, though it was an argument in its favour and made palatable to landowners as affording agents a means of securing arrears of rent, and that it made things easy and pleasant. This was stated plainly, and the Chief Commissioner would find abundant evidence from the Bessborough Commission that it was a matter landlords especially disliked. Mr. Kavanagh, one of the Commissioners, in his Report, writing on the subject of Free Sale, said he entertained no dislike to the extension of this right to his own property, for evidence had convinced him that it conferred more advantage to the occupier than disadvantage to the landlord. So far, that was contrary to his (Mr. Rodwell's) argument; but Mr. Kavanagh went on to say he would be glad to see the power extended, "if it can be justly done." The question, then, was whether this was "justly done" or not. Then the Report, proceeding on the assumption that the improvements were the tenant's making, went on to say—

> "That as it would be for the general advantage of the country, the landlord would be content to make some sacrifice to attain it."

Where all the improvements were made by the tenant, the difficulty or injustice, so far as the landlord's rights were concerned, was not so clearly apparent, provided the power of using a veto against an objectionable tenant was given to the landlord. In other districts, where enormous sums had been spent by the landlord, and the property had been improved on the English system, or where the landlord had bought up the tenant right, Mr. Kavanagh said the extension of the right of free sale would be an act of "simple confiscation which the circumstances would in no sense justify." That showed what was passing in Mr. Kavanagh's mind. This Report was written in a judicial speech by one conversant with the question, and which every one who took an interest in Irish matters should read. He had every disposition to go far to assist the tenant, he saw the difficulties of the Irish Land Question, and was willing to give up his personal rights with a view to clearing away those difficulties; but when the Chief Commissioner of Works said that landlords did not object to such a provision as this, this Report from one of the most intelligent and impartial of Irish landlords was a complete answer. From the evidence collected both by the Bessborough Commission and the Duke of Richmond's Commission—and he would rather refer to the former—it was quite plain that upon the estates of great noblemen and others property was managed according to the English fashion. And why, he would ask again, from the accident of such property being on the other side of St. George's Channel, were they to bring it under the operation of a clause, which, it was admitted, ought not to be applicable to the property in England managed on the same system? He had another landowner whose evidence he might refer to, he was formerly a prominent Member of the House (the O'Conor Don). He said they must be careful not to do injustice to the landlord where he had made the improvements. His Paper on the subject was well worth reading; but he (Mr. Rodwell) would merely use his name as one who agreed with the view taken by Mr. Kavanagh, though he did not go so thoroughly into the case as the latter did, as to the injustice of the indiscriminate application of this power of free sale. In the discussion of this matter, he could not but bear in mind a special Report—another of the "litter"—which was written by a Nobleman who took a very active part in the passing of the Land Act of 1870 (Lord Carlingford). He (Mr. Rodwell) had the honour of sitting with him, and hearing the evidence. He did not agree with the Report of the Richmond Commission on the question of Free Sale; but he recognized most thoroughly the distinction between the Irish and the English system. In page 21 of his Report he said—

> "The interests and rights of all landlords who have adopted wholly or partially what may be called the English system on this subject ought to be most carefully guarded."

Now, he would like to know in what respect these rights were carefully guarded, as the Bill stood, in accordance with that recommendation of Lord Carlingford? The Amendment supplied what Lord Carlingford advocated. He did not wish to obstruct the Bill in the slightest degree—far from it—and, so far as his humble efforts had been directed, they were not in opposition to it. But he supported this Amendment on just grounds; and he believed most sincerely, from what he had heard in the House, from what he had heard from witnesses, and from opinions he had quoted, that if something in the principle of the Amendment—he was not wedded to the words—were introduced into the Bill, it would conciliate many opponents who now viewed the Bill with the greatest apprehension and aversion. This Amendment was justified by the evidence, justified by the statements of persons who had studied the subject, and justified by those who were interested in the question, and had taken the trouble to commit their opinions to writing for the guidance of Parliament. He was surprised that a Commission, appointed under the circumstances that the Bessborough Commission was, should have their advice disregarded on such an important matter. He had referred to Lord Carlingford, who understood Irish matters, and whose opinion was entitled to the greatest respect; and he contended that where the improvements had not been paid for by the tenant they could not be the property of the occupier; and the Amendment was founded on equity and fairness. The principle of the Bill would not be affected by its adoption; but, as it stood, the clause would inflict a wrong upon landlords who had done their duty to their tenants. The principle of the Bill was to protect the property a tenant had acquired by his improvements; but where the improvements had been made by the landlord there was no pretence for imposing upon that landlord the same conditions as if he had allowed the tenant to make the improvements. Where the estate was managed on the English system the same law should apply as governed the same condition of things in England.

Mr. SHAW only wished to interpose for a few minutes. It occurred to him that they had passed a sub-section that provided very effectually for the interests of landlords in Ireland who had laid out money on their tenants' holdings. The hon. and learned Member who had just spoken had referred repeatedly to estates in Ireland managed on the English system. Now, he sat on the Commission the hon. and learned Gentleman had referred to, and he was exceedingly anxious then to hear about these estates, and expected some evidence on the subject. He heard names mentioned, and some of the agents did attend; but they did not raise the question of English management. He found that the general rule was to charge interest upon improvements at such a rate as would cover principle and interest in a certain number of years, and that, he thought, was not the English mode of management. He did not believe there was a single estate in Ireland managed on the English principal. He was in hope that the estates of Lord Fitzwilliam would be found to be exceptions. He was a landlord who resided in the country when he could, and did, as far as he could, promote the welfare of his tenants. He (Mr. Shaw) was in hope that Lord Fitzwilliam's agent would give evidence as to the English principle of management on the estates. But there was nothing of the kind. There was no evidence in Ireland of such estates, and he did not believe they existed. He believed there were estates where the landlord had made improvements in the drainage; but there was no habitual outlay. If any Gentleman could bring evidence that there was any distinct likeness between an English estate and an Irish estate, then there would be some foundation in argument for this Amendment; but none existed now. It would be unwise to endeavour to introduce a system of management that would not be liked by the tenant. Nothing would be more difficult, for he believed the tenants would greatly dislike the looking over the bill for the cost of this or that. It did not commend itself to the people of Ireland, and the Committee could not do a more unwise thing than to encourage the absurd idea of spreading English mode of farming all over Ireland. For the last two hours they had not been discussing any real thing about Ireland; and he regretted that it had been set up, for the thing did not exist to any extent in Ireland.

Mr. C. W. WENTWORTH FITZWILLIAM said, as allusion had been made to his family, he desired to make one or two observations, and to say a word or two in reply to the hon. Member who had just sat down. He said that evidence was taken all over Ireland, and he had endeavoured to get at the practice on all the estates; but he had never been able to arrive at any as to the management of the estates of his (Mr. Fitzwilliam's) relative. Now, he thought, perhaps, there was one very good reason for that. The Chairman of the Committee upon which his hon. Friend sat had once been agent to that property, and it might not have been convenient for him to inquire how, during his reign, the property was managed; but perhaps he might give the Committee some little information of what had been done during the period the present owner had been in possession of the property. It was said—he thought by the hon. and gallant Member for Cork County (Colonel Colthurst)—that there were hardly any estates on which money had been expended on the English principle, and very little money had been expended there. The statistics he had were these. The present owner of the Fitzwilliam estates in County Wicklow succeeded to them in 1857; and from that time to the year 1869 the sum expended was £117,731 12*s.* 1*d.*, and from 1869 to 1879 a further sum of £194,859 4*s.* 9*d.*, so that in a period of 20 years £312,590 had been expended in drainage and generally used in improvements. And that was not all; for previous to that—he could not give the figures—an enormous sum, nearly double the amount, was expended on the Wicklow and other estates. To say, then, that no money had been expended on English principles on the improvement of estates in Ireland showed an ignorance which might have been pardoned in other than an Irish Member. He thought it would be found that besides the estate with which he was acquainted, there were others on which money had been expended in a really liberal way, and that on those estates the tenantry were in a much more prosperous condition than on those of which some hon. Gentlemen opposite seemed to take so much care. As to the point of the Amendment, the hon. Member for Great Grimsby wished to exempt those estates which were managed on English principles from the provisions of the Act, and he did so justly. What would be the effect if tenant right were to be allowed there? Tenants would flock in in hundreds to those estates, and give exorbitant tenant right. That meant that they would diminish their capital. Now, what was there so detrimental to good agriculture as for a man to go on to a farm without sufficient capital to work it? Who would suffer? The landlord, whose rents would be diminished, in order that the farmer might be able to eke out a subsistence from what he could earn by his capital. He therefore hoped that the Committee would look favourably on the proposition of the hon. Member; and, notwithstanding the veils thrown over the idea, not to say incorrect statements, that he would be followed into the Lobby by such a respectable following as would induce the Prime Minister to think better of the proposition than he did at present.

Mr. PARNELL thought the Amendment as it stood would apply to a great many more estates than hon. Members who were interested in supporting it would have the Committee believe. It appeared to him that the Amendment would apply not only to estates which were managed on English principles, but to tenancies where the landlord had at any time made any improvement. He might be wrong in his construction of it; but he believed it would apply to the case of any holding where the landlord had made any improvements whatever at any time. If that were not so, of course it would be different; but as the Amendment read, it provided that holdings should be exempted from the operation of the section which had been heretofore maintained and improved by the landlord or his predecessor in title. Now, it was very much the custom on some estates in Ireland for the landlord to advance some of the money for improvements, where the tenant proposed to effect them. For instance, where the tenant wished to build a house, he used frequently, before the Act of 1870, to go to his landlord and say—"I will build the walls of the house, if you will give me slates and timber for the roofs." And the landlord would give him slates and timber for the roof, and he would lay out capital on the walls. But if this Amendment were carried, the mere fact of the landlord having given the tenant slates and timber would entitle him to go to the Court and dispute the right of the tenant to sell his holding, and so to involve the tenant in an additional law-suit on this point of a very expensive character. They had heard a great deal about Irish estates managed on the English principle; but he ventured to think they did not exist at all. There were many estates where the landlords made improvements to a greater or lesser extent; but he knew of none where the landlord maintained those improvements as he did in England. In every case where the landlord made improvements the tenants were always left to maintain them. It could not be said that there existed in Ireland any estate where the improvements made by the landlord were of such a character and of such extent as to do away with the traditional belief of the tenantry that they had a tenant right — an interest in their holdings which they were entitled to sell. Take the case of the Fitzwilliam estate, in the county of Wicklow. He knew a great deal of the management of that estate. On the whole it was a well-managed estate; but it was not managed on the English system, though it was to such an extent well managed that the tenants for the most part had, up to the present time, refused to join the Land League. But when they heard, if they should hear, that an Amendment of this kind had been accepted by the Government or carried by the House of Commons, preventing them from having the benefit of selling their interest in their holdings, he thought not many days, or even hours, would elapse before all Lord Fitzwilliam's numerous tenantry in Wicklow would hasten to join the neighbouring branches of the League. What were the facts so far as he knew them? The habits of the agents might differ in different portions of the Fitzwilliam estate, which was spread over a very considerable part of the county of Wicklow, and was a very large estate; but, so far as he had been able to see, where the landlord executed improvements, he charged the tenant interest on them, and, he thought, at the rate of 5 per cent. Those improvements, therefore, could not be said to be executed by the landlord, and were clearly executed by the tenants, for they were made at the expense of the tenants. To found a claim for the exemption of such an estate, on the ground that Lord Fitzwilliam put his tenants in the same position that he was himself with regard to borrowing money from the Board of Works for the improvement of his property, was manifestly an absurdity which could not be maintained for an instant. The mere fact that improvements were executed on a holding by the landlord out of money advanced by the Government, and the interest of which the tenant had to pay, clearly did not put that landlord in the position of an English landlord on an estate managed on the system prevailing in England. Let them go a little further. Statistics had been given as to the amount of money laid out by landlords during the last 20, or 30, or 40 years, under remarkable facilities for borrowing money such as the English landlord did not enjoy. No doubt, the landlords had borrowed the £3,500,000 which had been mentioned by reason of those facilities; but who made the improvements on the holdings up to the time when the Legislature made it so easy for Irish landlords to borrow money, and so induced them to borrow the comparatively small sum of £3,500,000, which made the letting what it was? Who built the houses, who erected the fences, who drained the land, who sub-soiled it, who reclaimed it, who removed the boulders? The tenants did all these things; and in talking about estates managed on the English system, the Committee must not allow itself to be drawn into the notion that there was any analogy between the two countries and the systems followed in them. Certainly, up to within the last 30 years, the improvements, without exception, were made by the tenants. During the last 30 or 40 years some little amount of money might have been laid out by the landlords; but half that amount had been paid by the tenants in the form of increased rents. Therefore, this case for the improving landlords who had been managing their estates on the English system vanished entirely into thin air; because, in the first place, the amount of money laid out by the landlords on the holdings in Ireland was, comparatively speaking, infinitesimal; and, in the second place, they would give ground for litigation of an expensive character by enabling the landlord who had spent any money on a holding to go into Court and contest the right of the tenant to sell his holding, and they would practically defeat the object of the Bill so far as it professed to confer free sale on the Irish tenant.

Mr. LONG remarked, that it had been said by the hon. Member for the City of Cork (Mr. Parnell) that there were very few properties in Ireland managed on the English system, and another Irish Member opposite had said it was unnecessary to pay attention to this subject, because there were very few of those properties. That was a remarkable argument to be used by an hon. Member in his position. If they were to judge by numbers, and that argument were to be accepted, would it not be fair to say that the numbers of the Party to which the hon. Member belonged should be taken into consideration when they considered their opinions? Perhaps if the argument were applied to the position of a Member of a smaller Party than any other in that House, perhaps the hon. Member would not regard it as so strong with reference to the management of properties in Ireland according to the English or Irish system. He had a fairly accurate acquaintance, not with a property in Ireland managed partially on the Irish principle, but on the principle which actuated most English landlords, and, as he hoped and believed, most Irish landlords—namely, a desire to place the tenants in a fair position, so far as lay in their power. A relative of his, who had been for many years a Member of that House, possessed property in Wexford, and some portion of the property which he had purchased once belonged to the hon. Member for the City of Cork. When he purchased it, the rents were about 70 per cent over Griffith's valuation. To that remarkable pitch he had the best reason for believing they had been brought by the individual action of the hon. Member for the City of Cork, who appeared to think that to raise the rents to that pitch was a justifiable proceeding on the part of the landlord. His relative, however, considered them to have been unduly and unfairly raised, and they had been lowered. He should like to call the attention of the Committee to the position of two men—one, an Irishman, or, at all events, partially an Irishman, who had wished himself to be considered entirely an Irishman, and who was the head of the present agitation in Ireland; another, who would probably be called by the hon. Member an absentee landlord, because he only spent a portion of the year in Ireland. The one man raised his rent to an unfair and inconsiderate pitch, and then sold his property and left it to one of those so-called absentee landlords to get the rents as best he could, or, if he chose to act in the interest of the tenant, to reduce the rent. That was the course followed by his (Mr. Long's) relative, who had had to stand the loss upon his capital, which he invested on the strength of the position which had been assumed by the hon. Member for the City of Cork. If they were to consider the question of the management of properties according to the opinions given in the House by Gentlemen who were either themselves landlords or who had practical experience of the management of properties, the best thing they could do, where there were these landlords, was to look to their management of the properties they had, or once had; and when they found that they had carried out the reverse of the principles which they came to the House to advocate——

Mr. GIVAN rose to Order. He submitted that the hon. Member was not speaking to the Amendment before the Committee.

The CHAIRMAN: The hon. Member, I think, was giving an illustration of his argument, and is, therefore, clearly in Order.

Mr. LONG, resuming, said, he was endeavouring to show how properties were managed by Irish and English landlords; and he was saying that he could not select a better case, or a better Gentleman to turn to, than that one who was looked upon by many as the leader of Irish opinion, and as that hon. Gentleman was one for whom the present Government had shown great respect, and to whom they had turned more than once, finding gladly that his opinions were to be held forth in support of their Bill. Even supposing those Irish-managed estates were only very few, was it an argument to be held forward by the great Liberal Party, that because they were few therefore they were to be turned on one side and forgotten? The fact of their being weak and small ought to strengthen their cause with hon. Members. He thought the Liberal Party were the great Party in support of the real rights of the people; and yet the hon. and gallant Member opposite (Colonel

Colthurst) had said he only objected to the Amendment, because the English-managed estates were few.

Colonel COLTHURST said, he had also stated that, in his opinion, the course proposed by the Bill would not do any injury to the landlords.

Mr. LONG observed, that the hon. and gallant Member had laid great stress on the remark that these properties were few; but surely that was not an argument for the Party to which he belonged? If there were only half-a-dozen, was that any reason why they were to be deliberately robbed of that which belonged to them solely and entirely? He would ask the Government one question. If the tenant had not made the improvements on his farm, to what were the Government giving him the right of sale? If a tenant took a farm, he bound himself by contract, with his eyes open, to certain principles, and to pay a certain rent. What were the Government going to do? They were going to give him money down, and a pecuniary advantage, for simply carrying out the contract he was bound by law to carry out. They were going to give the farmer the same pecuniary right which was given to the proprietor of a business. If a tradesman opened a shop, and by his industry established a good business, he had a right to be able to sell the profit of the business; but the farmer took a farm with his eyes open, under a landlord to whom he looked—and with justice—for help in bad times; he was bound by a contract which, in old times, was strict, but which was now becoming lax; and the Government were going to give him the right to sell what he only got by carrying out the contract he had made. He thought the Committee would do well to accept the Amendment, because it would allay a great deal of the suspicion with which the Bill was regarded, and would exclude from the hardness of the Bill those landlords—and he ventured to say there were more of them than some would admit—who had conducted their estates in Ireland on English principles.

Mr. PARNELL: I shall not detain the Committee more than a few minutes in order to refer to the attack made upon me by the hon. Member (Mr. Long). There is not the slightest foundation for any of the statements he has made with regard to me. He says I sold property in the county of Wicklow to a relative of his own, after having raised the rents to 70 per cent over the Government valuation. I never sold any property in the county of Wicklow, or anywhere else, to a relative of his, or to anybody else. I never raised the rents of any of my tenants 70 per cent, or any other per cent above the Government valuation; and I think the hon. Member, who has made this attack not now for the first time, for he made a similar attack upon me at a Party dinner some months ago, might in the interval have made surer of his facts before coming here to libel me as he has done.

Mr. LONG: May I be allowed to say one word? The hon. Member for the City of Cork says the statements I have made are, in every sense of the word, untrue. I am perfectly prepared to produce my authority for those statements, which is of the best character. [Several hon. Members: Name, name!] I am sorry to say that the conduct of Irishmen in Ireland has been such as to preclude any Member in this House from giving names, and I cannot give the name of my authority; but I need scarcely assure the Committee that I am able to support what I have said.

Mr. W. FOWLER wished to call the attention of the Committee to the difficulty in which they were placed by the Bill itself. In sub-section 8 of Clause 7 an exception was made by the Bill, for it gave the Court power to exempt certain estates. He should not have thought of making or advocating an exception if there had not been one placed in the Bill by the Government. He should have felt the difficulty of defining the exception so great that he should have deemed it practically impossible; but when he found that the Government themselves saw that there was a great difference between one class of estates and another, he thought there might be some means of doing justice in this matter. The Prime Minister's words were very simple. He said—

> "In cases where what is called the 'English system' prevails, or, as we define it, where the holding has been maintained and improved by the landlord, we have thought that justice demands that the landlord should not be brought into a new and exceptional state of things, which really has no application to the relations which subsists between him and the tenant."—[3 *Hansard*, cclx. 910-11.]

The Prime Minister had said those words

did not apply to free sale, because free sale was not new, but had been established by the Common Law for a long period of time. But he felt some difficulty as to that argument, because there were large estates in which the tenant right had practically been bought up by the landlord. How were those cases to be dealt with? Were they to be ignored? Were they to deal with those estates as if nothing of the kind had been done? He was well aware how difficult it was to define the cases in which they were to make an exception; but the hon. Member had taken the definition of the Bill itself, and he (Mr. Fowler) did not know that he could have taken a better. He felt even a greater difficulty, however, in saying that they were to treat all landlords alike. There was one point which had not been referred to by any hon. Member to which he wished to draw attention, and which he wished to put right—he referred to cases in which improvements had been made by the tenants in consideration of the fact that the land was let to them at a very low rent. Now, he had been told—but it was difficult to know what to believe with regard to Ireland, because immediately one man made a statement another contradicted it—that these cases were numerous, and that improvements had been made over large areas simply by reason of the low rent the land was let at. ["No, no!"] Hon. Members from Ireland differed on this matter, as it was their custom to differ on all things. He knew a case in the centre of Ireland where the land had been let at a low rent. ["Name, name!"] He would give hon. Members the name of the landlord, privately, if they wished to have it. The land had been let for a long term of years at a low rent; the difference between the value and the rent came to many thousands in the course of the term; and the improvements effected were small compared with the value received by the tenant in the low rent. This should not be treated as a case in which all the improvements had been made by the tenant, and it seemed to be one which called for the intervention of the Court. The Court was supposed to come in and decide all these knotty questions. They were going away from freedom of contract, and were going to have a Court to settle these matters. Well, when once they went away from freedom of contract there would, no doubt, be great difficulties to be encountered; but if the landlord could prove that he had improved his property, whether he had done it directly or indirectly, it came to the same thing as a matter of justice. There was another question which he should like to say a word about. He was told that there were cases where the landlords had made improvements and the rents were also low. That might or might not be so; but he wished to ask this question—Suppose a man had improved his estate, and his rents were low, and they passed an Act to enable the tenant to sell his tenant right, would they not be passing a law allowing the tenant to sell property which belonged to the landlord? It seemed to him that such cases would arise, and when they were mentioned the only answer given was "the landlord must raise his rent." But raising rent in Westminster and raising rent in Westmeath were very different things. It was a very easy thing to say to the tenantry in the county of Wiltshire—"We will raise your rent;" but it was a different thing to say it in Ireland; and, if they did, the result would be to bring about that very disturbance which they wished to avoid. He should like very much to avoid making exceptions to this clause; but there were to be exceptions to the 7th clause, and therefore there might be to this also. Moreover, it had been truly said that if they had fixed rents they must have a term, and if they had a term they must have free sale. But they were going to have cases where there would be no fixed rent, therefore there would be no term, and, logically, no free sale. The Prime Minister said that was true; but that, besides all this, there was something to be sold—something which arose out of the Act of 1870, a something not yet defined, but a something which existed. There was a great deal of truth in what the Prime Minister said, though it was never intended by the House. Then he asked this—"If exception is made in one case, is it not exceedingly difficult to avoid making it in another?" He was afraid the mistake, if there had been one, had been in creating this exception in regard to fair rent, and if the mistake had been made they must follow it up. He could not help thinking that it would be exceedingly hard to treat bad and good landlords alike. He could not understand how, in common fairness, they could do it. There were many places in Ireland where this Bill would work admirably; but if they were going to treat all Ireland as if it were a homogeneous country, when the Prime Minister himself had said that there was the greatest difference between one part and another of it, they would make a great mistake. He should vote for the Amendment, although he should do so with great reluctance.

Mr. W. E. FORSTER: One reason given by the hon. Member for voting for this Amendment was that there is to be an exception made in another clause. We had better, I think, consider this clause by itself. The hon. Member also said that he did not wish to interfere with freedom of contract more than is necessary; but I do not see how this clause in any way interferes with freedom of contract. It will be said, I have no doubt, when we come to the 7th clause, that that, to a certain extent, does interfere with freedom of contract; but this clause certainly does not, and I really cannot understand what, in this respect, my hon. Friend's argument means. The hon. Member who proposed this Amendment brought in a considerable number of exceptions to the working of this clause, and we have to consider what would be the effect in Ireland if those exceptions were admitted. What was it we agreed to in the first words of this clause? It was this—

> "The tenant for the time being of every tenancy to which this Act applies may sell his tenancy for the best price that can be got for the same, subject to the following regulations and subject also to the provisions in this Act contained, with respect to the sale of a tenancy subject to statutory conditions."

That means we have allowed the doctrine of free sale by the tenant of everything he has; and we have guarded against his being allowed to sell anything which is not his. We have stated in one section that the improvements made by the landlord he is not to sell, or, if they are sold, the landlord is to get an acknowledgment for them. The hon. Member for North Wiltshire (Mr. Long) spoke of "robbery;" but where was the robbery? I am prepared to admit there are many landlords in Ireland who improve their estates to a far greater extent than is the custom, generally, in that country, and very likely they have derived great advantage from the better position of their tenants. I agree with the hon. Member for the County of Cork (Mr. Shaw) that it is excessively rare to find any estate in Ireland managed upon the principle upon which English estates are managed. I have not yet heard of any such estate. I suppose the Amendment is to be limited to estates on which the improvements have been made and maintained by the landlord; and if that really is so, my hon. Friend might have spared himself the trouble of moving it and us the trouble of this discussion. It seems to be assumed by the hon. Gentleman opposite that the fact of the landlord managing his estate according to English notions is to be accepted as a test of his being a good and liberal landlord; but I should be sorry to think there are no good landlords who have not managed their estates on English principles. It would not be at all fair to Irish management and opinion, or ideas, to say that the English definition of a good landlord should be made the sole test of the good management of an Irish estate. But what would be the result of attempting to make this exception? It is not required for the purpose of guarding against robbery, because in the sub-sections we have already guarded against it. The effect of the Amendment would be to divide Ireland into two camps—one very much larger than the other; and I do not think it would be to the advantage of either landlords or tenants. I do not believe it would practically work. It is an undoubted fact that, notwithstanding all the attempts that have been made in some parts of the South and West of Ireland to prevent it, tenant right has been sold. It has been sold, over and over again, on estates where its sale has been forbidden. It has been done under the rose, but sometimes more or less with the acknowledgment and assent of the landlord or the agent, and sometimes against the nominal prohibition of the landlord, but in reality with his knowledge. Do the Committee for a moment imagine that an Act can be passed acknowledging the principle of free sale—acknowledging the principle of the tenant's right to sell whatever interest he has in his holding—throughout the whole of Ireland, and that you can pick out two or three estates in one county or another and say the Act is not to apply to them? Undoubtedly, all tenants would follow the custom of the country, made all the stronger by your Act, and the outgoing tenant would get a price from the incoming tenant; and I believe the only upshot would be to cause some heartburning between the landlord and tenant in endeavouring to preserve this exceptional position. The landlord would lose the advantage of free sale, which would secure him the payment of arrears of rent, and you would lose the inducement on the part of the outgoing tenant to improve and maintain his farm in such good condition as to have something to sell when he left it. There would also be an invidious distinction created between those parts of Ireland where tenant right would exist, and where, by the Amendment, it would in effect be prohibited. It would be unfair to put landlords in such a position. The principle of the Amendment would be utterly unworkable and, with the exception of the hon. Member for Malton (Mr. C. W. Fitzwilliam), who was almost dragged into the discussion by the mention of the well-managed estate of his brother, I observe that no Irish landlord, living in Ireland, has come forward in support of the Amendment.

Lord RANDOLPH CHURCHILL: There is not one in the House.

Mr. GIBSON said, that this Amendment, which had been moved in a speech of great moderation, had been practically discussed by those who opposed it, not on the ground of the principle on which it rested, but by attempting to suggest that it would have little or no application. He ventured to say that, long as the discussion had been going on, not a single argument had been addressed to the Committee grappling with the Amendment as a question of principle and a question of justice. The right hon. Gentleman who had just sat down, and who had discussed the matter fairly, had dealt with it in regard to its application, and had contended that it would be inconvenient—not unjust—to adopt it, as it would have the effect of dividing Ireland into two camps. Well, Ireland was tolerably accustomed to that; and it must be borne in mind that the Amendment would only do in the 1st section of the Bill what the Government themselves had deliberately done in the 7th section. It was idle and unreasonable to say that all landlords in Ireland, good, bad, and indifferent—those who had improved their estates and those who had not improved them, those who had spent money on their estates and those who had declined to do so—were all to have the same scant measure of justice dealt out to them, without a single particle of discrimination. How was the Amendment received by the other occupant of the Treasury Bench who spoke next before the Chief Secretary to the Lord Lieutenant? The First Commissioner of Works had also gone upon the question of application, and had said that there were very few cases to which it would apply; and then, in that peculiar way he had of speaking of Irish landlords, he went on to say that even in those few cases the landlords had made their improvements with borrowed money. What answer could the right hon. Gentleman give, on principle, in justice, in equity, in fair dealing, to those landlords who from their own sense of duty had made improvements on their property? It was necessary to remind the Committee what the Amendment was, and it could be done in a couple of sentences. The Amendment proposed to leave to the existing law, which had heretofore been found sufficient, and not to subject to the new law, which was contained in the 1st section of the Bill, a certain clearly defined class of persons—the class of persons whose properties, for the sake of convenience, had been called "English-managed tenancies." Now, was it not reasonable where the improvements had been made by the landlord, and not by the tenant—and remember what the Prime Minister had said in the course of this very discussion, that the main ingredient that entered into the conception of tenant right was the fact that the improvements had been made by the tenant—where the tenant had not spent a farthing on the land, that a distinction should be made between the landlords who had so acted and those who had not? Was it not according to common sense, plain justice, and simple fair play that a distinction should be made? The proposal was that the landlords who had made the improvements should not be subjected to new and irksome conditions and hardships, but should be left under the conditions and in the exact state of circumstances in which they had thriven and prospered during the last two or three generations. The case was met by the right hon. Gentleman the First Commissioner of Works by saying that there were, practically, none of these landlords, and the right hon. Gentleman had added that he knew a good deal about Ireland. Well, he (Mr. Gibson) readily acknowledged the right hon. Gentleman's willingness to make himself acquainted with Ireland. The right hon. Gentleman said he had not come across any of these cases, and that might be so, without disparagement to the extent of his examination; but if he had looked into the matter with a desire to find out these cases, and not with a desire not to find them out, he would not have had much difficulty in discovering some of them. One had been mentioned to-night—the case of the Fitzwilliam property, upon which over £300,000 had been expended in 20 years. He did not wish to press this case beyond a reasonable point; but he assumed that a substantial part of that expenditure had gone to make and maintain improvements on a substantial number of holdings. The same might be said of the Leconfield property. The First Commissioner of Works had referred to a pamphlet called *Facts and Figures.* It was a very clearly written pamphlet, and did not purport to deal exhaustively with the improvements executed by landlords all over Ireland. It stated, at the outset, in the clearest way that it would only deal with those properties which had sent in Returns in answer to questions submitted to them, and that some of the great properties which would be most likely to supply cases that those who supported the Amendment could rely on had not furnished Returns; and, amongst others, the estates of Lord Fitzwilliam, Lord Portarlington, and Lord Bath, were mentioned. These noblemen were, beyond all question, in the habit of expending large sums of money on the making and maintenance of improvements on their estates. The pamphlet pointed out that in a given number of years £3,500,000 had been expended on the improvement of certain estates. There was one case, and one case only, to which he would specially refer. He did not know the gentleman, he had never seen him; but he thought every one in Ireland knew his character—he referred to Mr. Mahoney. He would describe this case, and he would ask the Committee whether it was fair to subject a gentleman like Mr. Mahoney to the treatment to which the great body of landlords would be treated? Mr. Mahoney said that he came into possession of his estate in 1851. The old rentals in his possession showed that for many years previous to that date there had been allowances made to the tenants at the rate of about £1,000 per annum; yet when he took up the estate there had not been a yard of road made by the tenants, not a single slated house built, and no sub-soil drainage carried out. Mr. Mahoney had adopted the principle of making the improvements himself, charging interest for his outlay upon the occupiers. [*Laughter.*] To listen to hon. Members one would think that was a criminal offence. The result had been that in some 25 years Mr. Mahoney had built about 80 houses, made 28 miles of road, and 23 miles of fences, thoroughly drained 500 acres of land, reclaimed 150 acres of waste land, and proportionately improved the condition and circumstances of the people. Was it not monstrous to subject a man who had devoted himself to that loyal kind of work for the benefit of those who were on his property to exactly the same measure of justice as the man who had never spent 1*s.* in the improvement of his property, and who did not live among his people? One other observation which he was obliged to notice was made in the speech of the hon. Member for the County of Cork (Mr. Shaw), a Gentleman who ought to be heard with respect on this or on any other question, on account of his great sense and sagacity. What was the argument of the hon. Member? Did he grapple for one second with the justice or the principle of the case? Not at all. He said that the Commission on which he served had come across few or no such cases as he had referred to. Was it the business of the Commission to find them? Did they send down a Secretary or an Assistant Commissioner to try to find out a single case in Ireland? That was not the construction which he placed on the Report. He was bound to say it looked as if the evidence had been selected largely from one point of view; and most unquestionably the

Index, which was sent out yesterday, was a document framed so as to give the greatest facility of reference to cases against landlords, while there was the greatest difficulty in finding out any which were in their favour. This case was dealt with by the Prime Minister himself in a way very different from that in which it had been presented by others who followed him on the Treasury Bench. The Prime Minister argued the question in a way that commanded attention, and required close examination; but, as far as he could find out, the case which the right hon. Gentleman presented was this—there was no analogy whatever between this 1st section and the 7th section. It was a false analogy, the right hon. Gentleman said, because the 7th section dealt with a complete innovation, and it was right in that section to make a distinction in order to prevent injustice being done. But how did the right hon. Gentleman endeavour to apply that as a principle of justice to show that the same distinction should not be equally drawn with respect to the 1st clause? The right hon. Gentleman said there was no innovation, technically, in the 1st clause, because there had always been what was known as the Common Law right of assignment. He knew that, according to practice and usage on this class of estates, there was not a right of free sale; and where was the difference in justice and in principle? If these owners of land had so managed their estates that they had established a usage which had worked well, had they not a right to have a distinction made in their favour just as much as those landlords had who were face to face with a technical innovation in Clause 7? A suggestion of an adroit character was made by the Chief Secretary to the Lord Lieutenant towards the close of his observations. The right hon. Gentleman remarked that this debate had been carried on rather by English landowners than by those who were interested in Irish land. That argument left the question of justice and principle entirely untouched. But was it decisive either way? Was it not quite natural that English landlords should insist that the properties of Irish landlords which had been managed on the English system should have justice extended to them by being exempted from the operation of this clause?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought at one time that his right hon. and learned Friend was going to give the go by altogether to the speech of the Prime Minister, for he spent a large part of his argument in discussing the views of those speakers on the Ministerial side who had rested their contention on the question whether there were many or few cases to which this section could apply. Although this was mentioned incidentally, it was by no means the main argument which was addressed to the Committee from that side of the House, and certainly it had no application whatever to the speech of the Prime Minister. The argument of many Members on the opposite side was, "What has the tenant got to sell if he has made no improvement?" The answer to this question had been so often given by the Prime Minister and others that it might seem absurd to repeat it. Nobody yet had had the hardihood to stand up and say that the occupancy right of the tenant, even if he had made no improvement, would not be worth money. Until someone had the courage to assert that it might be taken for granted that the right of occupancy possessed a pecuniary value. In fact, they were asked to protect the Irish people from the effect of the land hunger, which would make them give extravagant prices for the occupation right. Surely this showed that the occupation was a right, and that it belonged to the tenant wholly irrespective of improvements. It was asserted that this was a small interest without improvements; but this was no argument against just protection. The case had been cited of a gentleman who had made roads, built houses, and planted a number of acres of land on his estate; but it could hardly be argued that on account of this his tenants ought to be deprived of their right of assignment. As the evidence taken before the Bessborough and the Richmond Commissions clearly enough showed, the discontent in Ireland arose not in cases where the improvements were made by the landlord, but in cases where they were made by the tenant, and where the tenant was subsequently rack-rented on account of them. One hon. Member had said—"Why rob the good landlords?" meaning the landlords who followed the English system. Well, the term "good landlords" was a relative one. A good landlord in any country was one who did what was just and fair to his tenants, having regard to their habits and sentiments; and it did not follow that a landlord was good merely because he forced English ideas upon the Irish people. But, accepting the term as it stood, he held that the position of "good landlords" was improved instead of being compromised by the Bill. They were allowed to retain their present power of raising their rents, and they had the additional power in certain cases of getting back the capital paid for improvements. He could see no ground for this Amendment, and he hoped the Committee would, without any hesitation, reject it.

Mr. TOTTENHAM said, he had no intention of following the remarks of the right hon. and learned Gentleman who had just sat down, for, although he had listened attentively to his speech, he was totally unable to gather from it any logical argument. His object in rising, however, was not to complain of this, but to deny the imputations cast upon Lord Fitzwilliam, and to correct the mis-statement of the First Commissioner of Works that there was no instance in which improvements had been made solely by the landlord. By way of throwing dirt at the assertion that Irish landowners were in the habit of expending money on their estates, the hon. Member for the City of Cork (Mr. Parnell) had stated that although it was true that Lord Fitzwilliam had expended large sums on his estate, yet his Lordship borrowed the money from the Board of Works, and charged his tenants 5 per cent in respect of the improvements. Now, he was informed that this statement was totally inaccurate. Lord Fitzwilliam had never borrowed 1*s*. from the Board of Works, and had expended the whole sum out of his private income. During the last 20 years his Lordship had expended on an average £15,000 a-year out of his own pocket in improving his estate, which produced him a return of only some 1½ per cent. In such a matter it was, perhaps, excusable enough that the hon. Member for the City of Cork should be misinformed; but he protested against a Member of Her Majesty's Government making an authoritative statement that he believed no improvement had been made solely by the landlord in any single case in Ireland. That statement was actually made by the right hon. Gentleman the First Commissioner of Works. The Irish Land Committee, which was instituted for the purpose of defending the landowners from the attacks which they knew would be made upon them both in and out of Parliament, had been sitting in Dublin for many months. That Committee had, at great cost of time, trouble, and expense, put together many facts which he commended to the notice of the First Commissioner of Works as being a more valuable basis of information than the theories which the right hon. Gentleman formed in his fleeting visits to Ireland. The right hon. Gentleman had stated his belief that there was not in Ireland a single instance in which the improvements had been made solely by the landlord. He had no hesitation in referring to the pamphlet entitled *Facts and Figures*, because its accuracy had already been admitted by the Prime Minister, who quoted from it in his opening speech in introducing this Bill. The Land Committee had collected information respecting an area of 6,660,000 acres, or about one-third of the whole of the country. They had collected evidence on 1,629 estates, and it gave the following results:—On 200 of these estates the improvements were made solely by the landlords; on 590 they were made by the tenants; and on 839 they were made by the landlords and the tenants jointly. He thought the right hon. Gentleman the First Commissioner of Works would have done better by having figures of that kind to go upon, than simply by making the statement that no improvements had been made on Irish estates wholly and solely by the landlords. With regard to the statement of the Attorney General for Ireland, without going into unnecessary detail he could name off-hand many gentlemen who had made all the improvements themselves on their estates —amongst others, Lord Fitzwilliam, Lord Leconfield, Lord Digby, and Captain Crosbie. His argument against the Amendment was wholly fallacious. According to that argument, when improvements had been made by the landlord, tenant right came to this—that the tenant would have the power of selling that which had been created by the improving landlord, and which would never have existed at all if the landlord had not created it by the improvements.

Colonel KINGSCOTE said, as a Member of the Richmond Commission, he was able to corroborate the statement that there was strong evidence to show that Irish landlords had in some cases made their own improvements, and conducted their estates on the English principle. The cases of Mr. Mahoney and Lord Fitzwilliam, which had been quoted, would strongly exemplify the case intended to be met by the Amendment before the Committee; but he said that no exceptions should be made where landlords had done their duty and had spent money in improvements. Take the case of Lord Fitzwilliam, and deduct from the amount of £300,000, which had been spent, and assume that a sum of £100,000 had been expended on his demesnes, and there would still remain £200,000 expended on the estate for the benefit of the tenants. It was said that a percentage had been charged; but even if that were so the rents had not been raised, and what tenant, he asked, would not pay 5 or 6 per cent for such improvements as had been made? He maintained that the Amendment was founded on a right principle; one which would allow landlords to lay out money in improvements on their estates, and it was the landlords who must be looked to for the capital. That was the great need in Ireland, and he believed that a great deal of mischief had been done in time past by the inability of landlords to make improvements.

Mr. PARNELL said, the hon. Member for Leitrim (Mr. Tottenham) had contradicted a statement which he had made a short time back in the course of the discussion. He (Mr. Parnell) had said that in his own neighbourhood, and to his own knowledge, Lord Fitzwilliam charged 5 per cent for the money expended on improvements effected for the tenants. The hon. Member had said that there was no foundation for the statement, and that Lord Fitzwilliam charged only 1½ per cent. Whether the money was borrowed or not from the Board of Works had nothing to do with the question; but he knew that 5 per cent was charged. It had been pointed out that Lord Fitzwilliam had spent in 20 years £300,000 for improvements on his estate, and it had been admitted that £100,000 had been spent on land in his own possession, and that the remaining £200,000 had been spent on the holdings of the tenants. Whether or not that was so, it made very little difference so far as his argument went; but the absurdity of setting up such a contention on behalf of landlords in the position of Lord Fitzwilliam was plain when it was known that fully £99 out of every £100 expended on that estate in improvements had been paid by the tenants. It was within the last 20 years that those improvements had been made, and because in that time he had spent £200,000 on an estate which amounted in value to £1,000,000, or more probably £1,400,000, they were to believe that Lord Fitzwilliam ought to be permitted to confiscate from the tenants on that property the whole of their tenant right.

Mr. TOTTENHAM: I did not say that Lord Fitzwilliam charged 1½ per cent, but that the outlay returned him 1½ per cent. I certainly should not have been guilty of the absurdity of saying that the tenants on the estate spent £20,000,000 in 20 years, which is what the statement of the hon. Member for Cork comes to.

Mr. FITZPATRICK said, he was acquainted with property in connection with which £16,000 had been spent by the landlord in buying up the improvements of tenants before the incoming tenants came in, in order to insure that they had money in their pockets wherewith to work their farms. On an estate of that kind he thought the Attorney General for Ireland would find it hard to show what was the "something" which those incoming tenants had to sell. They had heard a great deal of the *pretium affectionis*; but surely they ought to coin the word *pretium moderationis*, to describe the consideration for which a landlord charged a low rent and paid for all the improvements himself.

Colonel KINGSCOTE said, the hon. Member for the City of Cork had attributed to him words which he never used. He only assumed that Lord Fitzwilliam had spent the amount which he had mentioned on his demesnes.

Mr. SYNAN said, it appeared to him that the argument had been based on false premisses. Without entering into detail, it had been assumed throughout the discussion on this Amendment that the improvements of the landlord were to be confiscated. He maintained that these landlords were protected by the Bill. Not one shilling's worth of their improvements could be sold under the Bill; and, therefore, not 1*s.* would get into the pocket of the tenant as coming from the sale of the landlord's improvements. The representatives of the landlords desired to deprive the tenant of the interest given to him by the Act of 1870. He contended that the question ought to be argued, not upon personal grounds, but upon the principle of justice, and it was upon that principle that the Amendment ought not to be accepted.

MR. MITCHELL HENRY said, he thought the Committee ought not to go to a division on this Amendment without being made aware of the evidence given by the hon. Member for Leitrim (Mr. Tottenham) before the Richmond Commission. It appeared that in 1867 the hon. Member re-valued his estates and raised the rents very considerably. Being asked whether he had not said that he did not himself effect the improvements on his estate, but that the tenants did, he answered, that as far as all drainage, fencing, and works of that sort were concerned, the tenants did the whole of them. The hon. Member was also asked, when Hodges and Forster came down to value the farms which the tenants had brought from a condition of bog, how they valued them, and he replied they valued them as a whole; it was no business of theirs how the work had been done; they merely valued the land as they saw it before them. Being asked whether they raised the valuation, the hon. Gentleman said they raised it about 10 per cent generally. That showed that the hon. Gentleman had raised the rents upon the tenant's own improvements. The case could be put in a nutshell. There were a few landlords in Ireland who, like Lord Fitzwilliam, had the spirit to improve their estates; and he took the opportunity of remarking that if it had not been for those noblemen Ireland would not have been in so good a position as it was at that moment. It was not to be wondered at that Ireland should be in a bad condition agriculturally if, when improvements were made by the tenants, the landlords raised the rents; and, therefore, he had listened with great regret to the disparagement of landlords who had effected improvements on their estates. He trusted such landlords would always be found in Ireland, and felt sure that as soon as the tenants found they would not have to pay higher rents because of their improvements many persons in Ireland would be ready to effect improvements, and thereby better the general condition of Irish agriculture.

MR. TOTTENHAM said, that the statement of the hon. Member for Galway only showed how careful people should be as to making statements on incomplete evidence. The most complete answer to his charge lay in the fact that the valuation in question was not acted upon, as he did not consider it a fair one.

SIR STAFFORD NORTHCOTE: It seems to me very undesirable that we should allow the question raised by this Amendment to go off into one of a merely personal character. It is, no doubt, a matter of great importance that in any legislation that may take place we should agree to do justice to all those who, in their different spheres, are doing their best to promote improvement in Ireland. The great question we have to consider is the effect which the modification proposed by the hon. Member for Great Grimsby (Mr. Heneage) would have on the agricultural and social condition of Ireland. For the most part, the case of the Government rests upon the fact that a system prevails in a large part of Ireland different from that which prevails in England, and upon that we have been asked to agree to proposals which are open to a good deal of question, and, in the minds of some, to a good deal of objection. The hon. Member for Great Grimsby, at all events, said—"If this be the case with regard to a considerable part of Ireland, there are other portions which are administered on a different system, and I think that you ought to consider whether you would not meet the case of those other portions of Ireland by exempting them from the provision contained in the first part of the Bill." Two objections have been taken to this proposal. In the first place, the Attorney General for Ireland said that what the Committee had done already precluded us from this point, because the portion of this clause which had been passed provided that—

> "The tenant for the time being of every tenancy to which this Act applies may sell his tenancy for the best price that can be got for the same."

But I believe that this is not an accurate statement, because I think that these words were inserted—

> "Every holding not hereinafter specially excepted from the provisions of this Bill."

And I regard the case dealt with by the Amendment as one which it is proper to make an exception from the provisions of the Bill. As to whether there are many or few of these cases, or whether the improvements have been done by the landlord or by the tenant, I think we must bear in mind that the proposal of the hon. Member is not absolute. The Amendment says—

> "Provided always, That, subject to the discretion of the Court, the provisions of this section shall not apply to the tenancy of any holding which has heretofore been maintained and improved by the landlord or his predecessors in title."

It is not an absolute proposal; it is a question in the minds of many persons whether there are any cases to which it would apply. If there are none, then no injustice would be done by the insertion of the words. On the other hand, if there are a few cases, it would be as right to do justice in those cases as if there were many. But, Sir, the question is not so much what are the number of cases in which this system prevails, as it is how far it is desirable that we should encourage the introduction of a system under which the landlord, finding the capital, and employing it in effecting permanent improvements on the estate, makes the position of the tenant a good one, and, at the same time, tends to the general improvement and cultivation of the soil. If it be true that there are so few cases in which the landlord has done this, then I think it disposes of the objection, for there would be no harm in the introduction of the words. But if, on the other hand, there are many cases—and I believe there are many such—in which the landlords have done a great deal for the improvement of their estates, and have given not only money, but, what is still more valuable, time and attention and intelligent exertion of their own in getting over the difficulties with which the improvement of agriculture in Ireland is surrounded, I say we ought, in the interests of the country, to encourage and promote the interests of those landlords. Reference has been made to the very remarkable case of Mr. Mahoney. We know what he has done, and most of us have read the very interesting pamphlet which he has published on the case. I hope I may be forgiven for reading two or three of the concluding sentences of that pamphlet. Mr. Mahoney says—

> "But the integrity of our cause does not rest on the evidence of inventive oratory. It stands silent, but undeniable in those districts where the face of nature has been changed by our labours, and its features will be traced by their solidity through generations of decay. The difficulties of the faith on which we have patiently travelled are not now apparent. It was no slight matter often to overcome even the material obstacles. But beyond these we have contended against ignorance, against prejudice, against misrepresentation—some of us against violence."

Then he says in these concluding words—

> "These foes have been in our front. But when the Government of the country takes us in the rear the cause is lost."

MR. HENEAGE ventured to hope that the Committee would now be allowed to proceed to a division. He was perfectly satisfied with the course which the debate had taken, for the argument had been entirely and conclusively in favour of the Amendment; and although he might be beaten by numbers, still there would be a large number of independent votes given to show what was the real feeling of the Committee on this occasion. He would not, therefore, detain the Committee any further.

Question put.

The Committee *divided:*—Ayes 200; Noes 225: Majority 25.

AYES.

Alexander, Colonel
Allen, H. G.
Amherst, W. A. T.
Archdale, W. H.
Ashmead-Bartlett, E.
Aylmer, J. E. F.
Bailey, Sir J. R.
Balfour, A. J.
Barne, Col. F. St. J. N.
Barttelot, Sir W. B.
Bateson, Sir T.
Beach, rt. hon. Sir M. H.
Beach, W. W. B.
Bective, Earl of
Bentinck, rt. hn. G. C.
Beresford, G. de la P.
Biddulph, M.
Birkbeck, E.
Birley, H.
Blackburne, Col. J. I.
Blennerhassett, Sir R.
Brassey, H. A.
Brise, Colonel R.
Broadley, W. H. H.
Brodrick, hon. W. St. J. F.
Brooks, W. C.
Bruce, Sir H. H.
Bruce, hon. T.
Burghley, Lord
Burrell, Sir W. W
Buxton, F. W.
Buxton, Sir R. J.
Cameron, D.

Campbell, J. A.
Cartwright, W. C.
Cecil, Lord E. H. B. G.
Chaine, J.
Chaplin, H.
Churchill, Lord R.
Clive, Col. hon. G. W.
Close, M. C.
Cobbold, T. C.
Coddington, W.
Colebrooke, Sir T. E.
Collins, T.
Compton, F.
Corry, J. P.
Crichton, Viscount
Cross, rt. hon. Sir R. A.
Dalrymple, C.
Davenport, H. T.
Davenport, W. B.
Davies, D.
Dawnay, Col. hn. L. P.
De Worms, Baron H.
Dickson, Major A. G.
Digby, Col. hon. E.
Donaldson-Hudson, C.
Douglas, A. Akers-
Dundas, hon. J. C.
Dyke, rt. hn. Sir W. H.
Ecroyd, W. F.
Egerton, hon. W.
Elcho, Lord
Elliot, G. W.
Elliot, hon. A. R. D.
Emlyn, Viscount
Estcourt, G. S.
Evans, T. W.
Ewing, A. O.
Feilden, Major-General R. J.
Fellowes, W. H.
Fenwick-Bisset, M.
Ffolkes, Sir W. H. B.
Filmer, Sir E.
Finch, G. H.
Fitzmaurice, Lord E.
Fitzpatrick, hn. B. E. B.
Fitzwilliam, hn. H. W.
Fitzwilliam, hn. W. J.
Fletcher, Sir H.
Floyer, J
Foljambe, F. J. S.
Folkestone, Viscount
Foster, W. H.
Fowler, R. N.
Fowler, W.
Fremantle, hon. T. F.
Galway, Viscount
Garnier, J. C.
Gibson, rt. hon. E.
Goldney, Sir G.
Gordon, Sir A.
Gore-Langton, W. S.
Gorst, J. E.
Grantham, W.
Greer, T.
Grey, A. H. G.
Hamilton, I. T.
Hamilton, right hon. Lord G.
Harcourt, E. W.
Hay, rt. hon. Admiral Sir J. C. D.
Herbert, hon. S.
Hill, Lord A. W.
Hill, A. S.
Holland, Sir H. T.
Home, Lt.-Col. D. M.
Jackson, W. L.
Kennard, Col. E. H.
Kennaway, Sir J. H.
Kingscote, Col. R. N. F.
Knight, F. W.
Knightley, Sir R.
Lawrance, J. C.
Leatham, W. H.
Lechmere, Sir E. A. H.
Lee, Major V.
Legh, W. J.
Leigh, hon. G. H. C.
Leigh, R.
Leighton, S.
Levett, T. J.
Lewisham, Viscount
Loder, R.
Long, W. H.
Lowther, hon. W.
Mac Iver, D.
Macnaghten, E.
M'Garel-Hogg, Sir J.
M'Lagan, P.
Makins, Colonel W. T.
Manners, rt. hn. Lord J.
Master, T. W. C.
Maxwell, Sir H. E.
Miles, Sir P. J. W.
Monckton, F.
Moreton, Lord
Morgan, hon. F.
Moss, R.
Murray, C. J.
Newdegate, C. N.
Nicholson, W.
Nicholson, W. N.
Northcote, H. S.
Northcote, rt. hon. Sir S. H.
Norwood, C. M.
Onslow, D.
Paget, R. H.
Patrick, R. W. C.
Pell, A.
Pemberton, E. L.
Percy, Earl
Phipps, C. N. P.
Phipps, P.
Plunket, rt. hon. D. R.
Portman, hn. W. H. B.
Price, Captain G. E.
Puleston, J. H.
Ralli, P.
Ramsay, J.
Ramsden, Sir J.
Rankin, J.
Ritchie, C. T.
Rodwell, B. B. H.
Ross, A. H.
Rothschild, Sir N. M. de
Round, J.
St. Aubyn, W. M.
Sandon, Viscount
Schreiber, C.
Sclater-Booth, rt. hn. G.
Scott, Lord H.
Scott, M. D.
Seely, C. (Lincoln)
Severne, J. E.
Smith, A.
Smith, rt. hon. W. H.
Stafford, Marquess of
Stanhope, hon. E.
Stanley, rt. hn. Col. F.
Talbot, J. G.
Taylor, rt. hn. Col. T. E.
Thomson, H.
Thornhill, T.
Thynne, Lord H. F.
Tollemache, hn. W. F.
Tottenham, A. L.
Wallace, Sir R.
Walpole, rt. hon. S.
Walrond, Col. W. H.
Warburton, P. E.
Warton, C. N.
Watkin, Sir E. W.
Whitley, E.
Wilmot, Sir H.
Winn, R.
Wolff, Sir H. D.
Wortley, C. B. Stuart-
Wroughton, P.
Yorke, J. R.

TELLERS.

Fitzwilliam, hn. C. W.
Heneage, E.

NOES.

Acland, Sir T. D.
Agar-Robartes, hon. T. C.
Agnew, W.
Allen, W. S.
Amory, Sir J. H.
Anderson, G.
Armitstead, G.
Arnold, A.
Ashley, hon. E. M.
Balfour, Sir G.
Balfour, J. B.
Balfour, J. S.
Barran, J.
Barry, J.
Bass, A.
Bellingham, A. H.
Biggar, J. G.
Blake, J. A.
Bolton, J. C.
Borlase, W. C.
Brassey, Sir T.
Bright, J. (Manchester)
Bright, rt. hon. J.
Broadhurst, H.
Brooks, M.
Brown, A. H.
Bruce, rt. hon. Lord C.
Bruce, hon. R. P.
Bryce, J.
Burt, T.
Butt, C. P.
Byrne, G. M.
Caine, W. S.
Callan, P.
Campbell, Sir G.
Campbell, R. F. F.
Campbell-Bannerman, H.
Carington, hn. Colonel W. H. P.
Cavendish, Lord F. C.
Chamberlain, rt. hn. J.
Cheetham, J. F.
Childers, rt. hn. H. C. E.
Chitty, J. W.
Clarke, J. C.
Cohen, A.
Collings, J.
Collins, E.
Colthurst, Col. D. la T.
Commins, A.
Corbett, J.
Cotes, C. C.
Courtauld, G.
Courtney, L. H.
Crum, A.
Cunliffe, Sir R. A.
Daly, J.
Davies, W.
De Ferrieres, Baron
Dickson, J.
Dilke, A. W.
Dilke, Sir C. W.
Dillwyn, L. L.
Dodds, J.
Dodson, rt. hon. J. G.
Duckham, T.
Duff, rt. hon. M. E. G.
Earp, T.
Edwards, H.
Edwards, P.
Egerton, Adm. hon. F.
Errington, G.
Farquharson, Dr. R.
Fawcett, rt. hon. H.
Fay, C. J.
Ferguson, R.
Findlater, W.
Finigan, J. L.
Flower, C.
Foljambe, C. G. S.
Forster, rt. hon. W. E.
Fowler, H. H.
Fry, L.
Fry, T.
Givan, J.
Gladstone, rt. hn. W. E.
Gladstone, H. J.
Gladstone, W. H.
Gourley, E. T.
Grafton, F. W.
Grant, A.
Grant, D.
Grant, Sir G. M.
Gray, E. D.
Hamilton, J. G. C.
Harcourt, rt. hon. Sir W. G. V. V.
Hartington, Marq. of
Hayter, Sir A. D.
Healy, T. M.
Henderson, F.
Henry, M.
Herschell, Sir F.
Hibbert, J. T.
Holms, J.
Holms, W.
Hopwood, C. H.
Howard, E. S.

Howard, G. J.
Howard, J.
Hughes, W. B.
Hutchinson, J. D.
Illingworth, A.
James, C.
James, Sir H.
James, W. H.
Jenkins, D. J.
Johnson, W. M.
Kinnear, J.
Lalor, R.
Law, rt. hon. H.
Lawson, Sir W.
Laycock, R.
Lea, T.
Leake, R.
Leamy, E.
Leatham, E. A.
Lee, H.
Lefevre, right hon. G. J. S.
Litton, E. F.
Lloyd, M.
Lubbock, Sir J.
Lyons, R. D.
Macfarlane, D. H.
Mackie, R. B.
Mackintosh, C. F.
Macliver, P. S.
M'Carthy, J.
M'Clure, Sir T.
M'Kenna, Sir J. N.
M'Laren, J.
M'Minnies, J. G.
Maitland, W. F.
Mappin, F. T.
Marjoribanks, E.
Martin, P.
Martin, R. B.
Marum, E. M.
Mason, H.
Meldon, C. H.
Molloy, B. C.
Monk, C. J.
Moore, A.
Morgan, rt. hon. G. O.
Morley, A.
Mundella, rt. hon. A. J.
Noel, E.
Nolan, Major J. P.
O'Beirne, Major F.
O'Brien, Sir P.
O'Connor, A.
O'Connor, T. P.
O'Conor, D. M.
O'Donnell, F. H.
O'Donoghue, The
O'Gorman Mahon, Col. The
O'Kelly, J.
O'Shaughnessy, R.
O'Shea, W. H.
Otway, A.
Paget, T. T.
Palmer, G.
Palmer, J. H.
Parnell, C. S.
Pease, A.
Peddie, J. D.
Pennington, F.
Philips, R. N.
Power, J. O'C.
Power, R.
Pugh, L. P.
Rathbone, W.
Redmond, J. E.
Reid, R. T.
Richard, H.
Richardson, J. N.
Richardson, T.
Roberts, J.
Rogers, J. E. T.
Roundell, C. S.
Russell, C.
Russell, Lord A.
Rylands, P.
Seely, C. (Nottingham)
Shaw, W.
Slagg, J.
Smyth, P. J.
Stansfeld, rt. hon. J.
Stanton, W. J.
Stewart, J.
Storey, S.
Story-Maskelyne, M.H.
Sullivan, A. M.
Summers, W.
Synan, E. J.
Talbot, C. R. M.
Thomasson, J. P.
Thompson, T. C.
Tillett, J. H.
Tracy, hon. F. S. A. Hanbury-
Trevelyan, G. O.
Walter, J.
Waugh, E.
Webster, Dr. J.
Wedderburn, Sir D.
Whalley, G. H.
Whitbread, S.
Wiggin, H.
Williams, B. T.
Williams, S. C. E.
Williamson, S.
Willis, W.
Wills, W. H.
Wilson, I.
Wilson, Sir M.
Wodehouse, E. R.
Woodall, W.

TELLERS.

Grosvenor, Lord R.
Kensington, Lord

Mr. LONG said, that, considering the hour which had now been reached (10 minutes to 12), he thought it would be a favourable time for the Committee to rest from its labours. He would therefore move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Long.*)

Mr. GLADSTONE opposed the Motion, and expressed a hope that it would not be pressed.

Motion, by leave, *withdrawn.*

Lord EDMOND FITZMAURICE, who had given Notice of an Amendment in page 3, line 21, at end of Clause, add—

> "The provisions of this section shall not apply in the case of any tenancy in a holding which is valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of not less than £100, unless such holding is subject to the Ulster tenant right custom, or to a usage corresponding to the Ulster tenant right custom,"

said, he did not think he should consult the convenience of the Committee by moving the Amendment at so late an hour. But he must not be understood to be withdrawing from it. What he hoped the House would do would be to consider it upon the Report of Amendments.

Mr. E. STANHOPE moved, in page 3, line 21, at the end of Clause, add—

> "(14.) Where any tenancy to which this section applies is sold under or in pursuance of any process of law, such sale shall be made under the provisions of this section, and for such purpose the sheriff or other officer charged with the duty of selling such tenancy shall be deemed to be the tenant."

He said the Amendment could be explained very briefly indeed. They had been engaged for a considerable time in discussing the differences under which sales were to be carried out, and they had endeavoured to deal with the matter in a way which would be satisfactory to the tenant, while it would not be inconsistent with the rights of the landlord. Having done that, surely it was just that all tenancies should be subject to the same condition, however they were going to be sold. If not, they would have this anomaly, that one property upon one estate might be sold during the currency of a tenancy in the ordinary way, under all the safeguards which were provided by the clause, while an adjoining property sold under legal process could be sold without any of those safeguards. As the clause now stood, that might be the effect of its wording, and he hoped the Government would consider the desirability of adopting the Amendment which he now proposed.

Amendment moved,

In page 3, line 21, at the end of Clause, add: "(14.) Where any tenancy to which this section applies is sold under or in pursuance of any process of law, such sale shall be made under the provisions of this section and for such purpose the sheriff or other officer charged with the duty of selling such tenancy shall be deemed to be the tenant."—(*Mr. E. Stanhope.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) opposed the Amendment, pointing out that it was wholly impossible that the sheriff, who was bound to sell right off, should be placed in the position of a tenant simply because he was carrying out the law. The sheriff must, of course, do his duty, but could not be reasonably subjected to any such responsibility as the Amendment could impose upon him. Sheriffs' sales and other Court sales must be left as they were at present.

MR. E. STANHOPE quite admitted that there might be objections to the wording of his Amendment, and therefore, with the permission of the Committee, he would withdraw it for the present; but he should consider the subject, with a view of bringing up other words at another time.

Amendment, by leave, *withdrawn.*

MR. GRANTHAM moved, in page 3, line 21, at end of Clause, add—

"(15.) When any tenancy has been sold under or in pursuance of any process of law by the sheriff or other officer charged with the duty of selling such tenancy in manner by this section provided a certificate of such sale under the hand of such sheriff or other officer shall authorize the purchaser forthwith to take possession of such tenancy, and shall be effectual to pass to the purchaser all the interest of the outgoing tenant in such tenancy discharged from all rights, titles, charges, and incumbrances whatsoever of such outgoing tenant, or any person claiming through or under him and affecting such interest, but subject in the case of sale to some person other than the landlord to the payment of the rent payable in respect of such tenancy and the observance of all the terms and conditions of any agreement expressed or implied between the landlord and the outgoing tenant affecting such tenancy immediately before the sale of the same. And any person who resists, interferes with, or obstructs the purchaser in taking possession of such tenancy or in the exercise of any of the rights so purchased by him as aforesaid under the authority of such certificate as aforesaid, shall be guilty of contempt of the Court under or in pursuance of whose writ order, or decree such sale was made; and on proof of possession of such tenancy being refused to such purchaser such Court shall order the sheriff forthwith to put such purchaser in possession of such tenancy."

The hon. Gentleman said his Amendment was different from the one which had just been withdrawn; but, although it was somewhat complicated in its character, a few words would explain its object. When a tenancy was sold, it often happened that great delays, unfortunately, took place before the purchaser was able to get possession. Now that they were endeavouring to improve the relationship between landlord and tenant it would be as well if the process of the law could be made more speedy; and the principle he wished to lay down was that, when a sale took place, the very fact of the sale should practically be the authority of the purchaser to take possession.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) regretted to be obliged to say that he could not accept that Amendment. The hon. and learned Gentleman who had moved the Amendment knew perfectly well that when the sheriff seized and sold, he sold and conveyed only whatever legal interest the tenant had; but if it so happened that the tenant had no legal interest, but only an equitable interest, the sheriff, who had no means of inquiring into or ascertaining the facts, might seize and sell, but could really transfer nothing. Suppose the sheriff seized and sold an interest subject to a mortgage or other charge—in other words, some interest that he had no business to sell—the Amendment would destroy the right of the man who really owned the farm in favour of the man who was only the apparent owner. It was clear that the man in possession might have, and very frequently had, only an equitable title to the tenancy—that was to say, an interest which could not be legally seized or sold; and yet the Amendment would operate to vest in the purchaser the property of the mortgagee, or other legal owner, behind his back, and without the possibility of redress.

MR. GIBSON said, the principle of the Bill had been readily stated by the Prime Minister; but there should be some simple procedure by which, when a judicial price had been fixed, the purchaser of the holding, when there was no legal obstacle, could get possession without being left, as at present, to a roundabout process, which might not be heard for many months, and which might even then be defeated and postponed. He quite agreed with much that the right hon. and learned Gentleman had said as to the difficulty of drafting; and his hon. Friend who moved the Amendment stated fairly that he only wanted to bring the principle before the Government, and was not particular as to the form of words. He thought the Amendment of the hon. Member for Tyrone (Mr. Litton), which stood on the Paper earlier, would have dealt with the matter in a more simple and more satisfactory manner, because that would have invoked the judicial machinery of the Court, from which a process would issue, and which would decide whether that process should be followed by speedy execution. But as that was not now before the Committee, he felt the weight of the drafting objections; but the principle was an important one, and he should not be surprised if it was again presented to the Committee.

MR. GIVAN mentioned that the County Courts Extension Bill gave additional power to the Courts, and said he thought the Amendment necessary.

Amendment, by leave, *withdrawn.*

MR. TOTTENHAM said, the object of the Amendment he wished to propose was to insure that no sale of a tenancy, not subject to the Ulster Custom, should take place in any secret manner between the incoming and the outgoing tenant, and that the incoming tenant should be liable to the consequences of his own act, if he was a party to any such arrangement. The Amendment gave a general power to the tenant to go to the Court if aggrieved, and to the Court to decide between the parties and give such relief as they thought fit; and also, if it considered the application reasonable, to give costs. It might be possible that in some cases the landlords, without being aware of it, would find that the holdings had thus become saddled with heavy charges. The Amendment would meet such cases, and it also would meet the objection of the Attorney General for Ireland to laying down hard-and-fast lines on points which the Court could then settle.

Amendment moved,

In page 3, line 21, at end of Clause, add: "(16.) Where any tenancy to which this section applies, and which is not subject to the Ulster tenant right custom, or any usage corresponding to the Ulster tenant right custom, is sold otherwise than under the provisions of this section, the sale shall be void; and where a tenancy to which this section applies, and which is subject to any such custom or usage, is sold otherwise than under the custom or usage to which the same is subject, or under the provisions of this section, the sale shall be void."—(*Mr. Tottenham.*)

Question proposed, "That those words be there added."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) observed, that the hon. Member had given a construction to the Amendment which was beyond the scope of the words. He had said its object was to give discretionary power to the Court to award costs and prevent any unreasonable action being carried out; but he moved nothing to that effect in the Amendment, and there was no other Amendment before the Committee. Earlier on in the evening he had himself given an undertaking upon this matter, and he would suggest that it should be dealt with in the manner promised.

MR. LITTON pointed out that the Amendment would be inconsistent with the clause as it stood. Sub-section 16 gave to the tenant the option of selecting the mode in which he would sell; but, under the Amendment proposed, a tenant under the Ulster Custom would be bound to sell by the Ulster Custom, and would have no option.

THE CHAIRMAN: I have received from the hon. Member an addition to his Amendment, which proposes that the tenant may apply to any Court in which such proceedings might be commenced, &c.

MR. LITTON said, as a point of Order, that these words were an addition, and did appear on the Paper.

MR. GIBSON did not wish to press the point unreasonably; but he thought it would be convenient to have before them on the Paper something of the form which would carry out fairly the object of the hon. Member. He quite agreed that it would be a hardship if some men should, because of some slight breach, be excluded from the benefit of the clause; and that was the reason why his hon. Friend proposed to leave the Court some flexibility and discretion.

The hon. Member had placed his proposal on record, and no doubt the Government would consider the form of it when the matter came to be considered again.

Amendment, by leave, *withdrawn.*

The CHAIRMAN: The next Amendment, in the name of the hon. and learned Member for Cambridgeshire (Mr. Rodwell), has three parts. The first part has been negatived in a previous Amendment. The third part was negatived on the 2nd of June in an Amendment of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), and the only part which remains for discussion is the second part.

Mr. RODWELL: I will reserve that point for a future occasion.

The CHAIRMAN: The Amendment of the hon. Member for Cambridge (Mr. W. Fowler) is also rendered unnecessary by an Amendment which has already been discussed.

Mr. MACNAGHTEN moved in page 3, line 21, at end of Clause, add—

"(12.) If the tenant of a tenancy subject to the Ulster tenant right custom or to a usage corresponding to the Ulster tenant right custom sells his tenancy in pursuance of this section, the tenancy, unless purchased by the landlord, shall continue to be subject to such custom or usage."

Amendment *agreed to.*

Mr. WAUGH: I beg to withdraw my Amendment.

Amendment, by leave, *withdrawn.*

On Question, "That the Clause, as amended, stand part of the Bill?"

Lord EDMOND FITZMAURICE said, he had understood when it was proposed by the hon. Member opposite (Mr. Long) to report Progress that the Committee would take the Amendment subsequent to his Amendment; then the Amendment of the hon. Member for Wexford (Mr. Healy); and then his Amendment. He assumed that the silence of the Treasury Bench implied assent to that; he made no allegation against the right hon. Gentleman; but having so understood the matter, he did not think it was unfair to appeal to the right hon. Gentleman (Mr. Gladstone) not to proceed further to-night.

The CHAIRMAN: I may point out to the noble Lord, lest he should be under a misapprehension, that I having moved that the clause, as amended, stand part of the Bill, it would not now be possible to move the Amendment.

Mr. CHAPLIN moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Chaplin.*)

Mr. GLADSTONE entirely objected to that Motion, observing that five hours had been spent in debating a point which, in the view of the Government, was one of the smallest points which had been discussed. If the Committee were in earnest in desiring to go on with the Bill, he thought they might proceed, at least, now, when there yet remained three-quarters of an hour before 1 o'clock.

Mr. GORST was astonished at hearing the Prime Minister describe this as one of the smallest points of the Bill—the point they had been discussing for five hours. No less than four speeches were made on that smallest point from the Treasury Bench, and the last, by the Attorney General for Ireland, took upwards of half an hour, and no one could say how much longer he would have spoken if he had not been pulled down by the right hon. Gentleman himself.

Mr. GLADSTONE thought it would be well if the hon. and learned Member would be more careful as to the accuracy of his statements, which tended, not to mitigate, but to exasperate conversations of this kind. The hon. and learned Member was entirely wrong in saying he (Mr. Gladstone) had described this as one of the smallest points of the Bill. What he stated was that it was one of the smallest points which had been made the subject of discussion; and that was a totally different matter.

Sir STAFFORD NORTHCOTE: I do not think there is anything very profitable in carrying on a discussion as to the form of a debate; but it is important to understand the position in which we are placed. I do not say it has been intentional, but the result of what has taken place must be very surprising to the noble Lord (Lord Edmond Fitzmaurice), and I think to the Committee generally. What I understood to take place was, that after the division on the last discussion, the noble Lord having the next Amendment on the Paper, and thinking it was likely to take some considerable time for discussion, was of opinion that it would be better to put it off till to-morrow, and that we should go on with the further Amendments on the clause. The impression prevailing was that the Amendments on the Paper must take some time for discussion; and certainly one of them, for the repeal of the 13th section of the Act of 1870, promised to be a matter of considerable importance. Therefore, as I understood, he did not move his Amendment then, believing he could bring it on when the other Amendments had been disposed of. They went off sooner than was expected; and I understood that the noble Lord would then propose his Amendment, or again raise the question as to reporting Progress. But he had not an opportunity of doing so before the Chairman moved that the clause, as amended, stand part of the Bill; and I wish to know whether that was irrevocable, and whether that is capable of being withdrawn, in order that the noble Lord may not be deprived of the opportunity he expected of moving the Amendment in his name?

The CHAIRMAN: I followed the course invariably pursued. I called all the other Amendments, and nobody else rising, I then moved that the clause stand part of the Bill. After that has been moved, it is not possible to move Amendments. They must come on at a future stage.

Lord EDMOND FITZMAURICE explained that he had watched the proceedings very closely, but he had not heard the Chairman call upon the hon. Member for Wexford (Mr. Healy). He was waiting to get up; but when the Chairman rose, he thought the Chairman had some new proposal to make, and he did not wish to stand between the Chairman and the Committee. No doubt what the Chairman said was correct; but he felt that he had been very hardly dealt with.

Mr. HEALY said, he was aware that the Chairman called upon him, but he did not move his Amendment, because he understood that the Government intended to accept it. He might state, however, that he intended to protest against the whole clause, and to divide upon it.

Mr. GLADSTONE observed, that that was the question before the Committee, and the hon. Member would have his opportunity; but with regard to the Amendment of the noble Lord, it appeared to him that the contention of the Government was that it would be better to proceed by fixing freedom of contract, and that a good opportunity of raising his question would be afforded when the Committee came to consider the other provisions of the Bill. The Motion for reporting Progress being made, he felt confident that hon. Gentlemen would allow the division to be taken.

Lord EDMOND FITZMAURICE wished to say that, after the appeal of the Prime Minister, who had pointed out that he would not be debarred from raising the question involved in his Amendment on a future occasion, he thought it would be reasonable to withdraw the Motion.

Motion, by leave, *withdrawn.*

Question again proposed, "That the Clause, as amended, stand part of the Bill."

Mr. HEALY desired to state the reasons why he intended to challenge this clause. Tenants in Ireland at the present time had every right of free sale that the Bill could confer; and the Bill, instead of conferring the right of free sale, in several instances restricted it. In his opinion, the only good portion of the Bill was contained in the first two lines, which stated that—

> "The tenant for the time being of every tenancy to which this Act applies may sell his tenancy for the best price that can be got for the same."

That was as to the statutory tenant; but with regard to the ordinary tenant the Bill imposed a series of restrictions on his already admitted right to sell. No Common Law tenant at the present time could, if the Bill became operative, say he had any rights. At the present time a tenant assigned his tenancy to someone else, even where there was an office rule, in spite of the landlord. It might be asked, then, what did the tenants want? What they wanted, and what prevented their having a fair interest in their land, was fixity of tenure and fair rent. If they had those, they could sell their tenancies for what they could get for them; but at present the tenant knew that the landlord might evict him or raise his rent; and in that way the landlord was able to restrict the right of free sale. The Bill was restrictive of liberty, and he should, therefore, divide against the clause.

Question put.

The Committee *divided*:—Ayes 204; Noes 47: Majority 157.—(Div. List, No. 254.)

Clause 2 (Devolution of tenancies).

MR. GLADSTONE proposed that the Committee should proceed with the discussion of this clause until some point was reached upon which there was a difference of opinion, when Progress might be reported. Some of the earlier Amendments to the clause were of a merely verbal character, and others the Government had no objection to.

SIR WALTER B. BARTTELOT moved that the Chairman report Progress. He did not wish to stop the progress of the Bill; but as they had come to an important and rather unexpected division on the 1st clause—the principal clause in the Bill—they should not proceed to deal with another section without being allowed time for consideration. If they left off until 2 o'clock to-morrow, they would be able to come down fresh, and capable of making good progress with the clause. It would be unwise and inexpedient to proceed with the Bill at a quarter to 1 in the morning.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir Walter B. Barttelot.*)

LORD RANDOLPH CHURCHILL said, he had had the misfortune to be in the House ever since 12 o'clock that morning, though he had not taken part in the discussions he had been present; and he thought it was rather too hard to ask hon. Members to proceed with the consideration of a fresh and important clause at that hour of the morning.

MR. GLADSTONE said, he simply proposed that they should follow the usual course and proceed to consider the next clause until they reached some point on which there was a real difference of opinion. He did not propose to go into any contested matter. If he was allowed, he should be glad to take the course he had pointed out; but, of course, the noble Lord opposite had power, if he chose to exercise it, to prevent any further progress being made with the Bill.

LORD RANDOLPH CHURCHILL thought the taunt of the Prime Minister decidedly misplaced. He had not taken part in any of the previous Motions for reporting Progress.

SIR STAFFORD NORTHCOTE thought the proposal of the right hon. Gentleman the Prime Minister a most reasonable one. He would take this opportunity of asking when the Government would be able to place on the Paper the Amendments they intended to propose to Clause 7?

MR. GLADSTONE replied, that now the Committee had disposed of Clause 1 he might be able to say something on that point to-morrow. He could not, however, pledge himself to lay the Amendments on the Table at to-morrow's Sitting.

THE CHAIRMAN: Does the hon. and gallant Baronet propose to withdraw the Motion?

SIR WALTER B. BARTTELOT: No.

Question put.

The Committee *divided*:—Ayes 55; Noes 198: Majority 143.—(Div. List, No. 255.)

MR. T. COLLINS: At this late hour, Mr. Playfair, I will move that you do leave the Chair.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. T. Collins.*)

MR. GLADSTONE intimated that if the Motion were withdrawn, rather than waste time in these contests, he would agree to reporting Progress.

Motion by leave, *withdrawn*.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

THAMES RIVER (No. 2) BILL.

(*Mr. Chamberlain, Mr. Evelyn Ashley.*)

[BILL 148.] SECOND READING.

MR. W. H. SMITH asked whether it was really the intention of the Government to proceed with this Bill? There would, undoubtedly, be considerable discussion upon the Bill itself as well as upon the constitution of the Thames Conservancy Board.

MR. EVELYN ASHLEY said, it was a Bill of great importance, and everyone who had joined in the discussion on a former occasion understood that it was the intention of the Government to proceed with it. The Government believed there would yet be time to get the Bill read a second time, and referred to a Select Committee.

Mr. W. H. SMITH said, in that case he wished to give Notice to the right hon. Gentleman in charge of the Bill that it could not go to a second reading without very considerable discussion.

Second Reading *deferred* till *Monday* next.

BLIND AND DEAF MUTE CHILDREN BILL.—[Bill 85.]

(*Mr. Woodall, Mr. Benjamin T. Williams, Mr. Montagu Scott.*)

COMMITTEE.

Order for Committee read.

Mr. WOODALL said, he did not propose to ask the House to proceed further with this measure. He found that pauper and *quasi*-pauper children were sufficiently provided for by existing legislation. There remained, however, the strong claim of these afflicted children generally to a participation in the education grants. In all other civilized countries a generous provision was made for their training by the State, and he trusted that at some future and not distant period their case would receive the attention of the House. He begged to move that the Order be discharged.

Motion *agreed to.*

Order *discharged;* Bill *withdrawn.*

COPYHOLD ENFRANCHISEMENT [STAMP DUTY].—RESOLUTION.

Mr. PELL said, he had viewed the Bill on this subject with considerable suspicion; but he believed that the Amendments placed on the Paper by the hon. Member who introduced it (Mr. Waugh) would make it unobjectionable.

Earl PERCY said, the statement of the hon. Member must not be regarded as the view taken by hon. Members on that side of the House.

Lord FREDERICK CAVENDISH explained that, while not committing themselves to the details of the Bill, the Government wished to have the matter fairly discussed, and to that end the formal Resolution was necessary.

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorize the imposition of a Stamp Duty on Copies of Court Roll, of the same amount as that at present imposed on Deeds of Enfranchisement, which may become payable under the provisions of any Act of the present Session to amend the Copyhold Acts, and to promote the gradual Enfranchisement of Lands of Copyhold and Customary Tenure.

Resolution to be reported *To-morrow,* at Two of the clock.

LUNACY LAW AMENDMENT [SALARIES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Salary of the Chairman of the Board of Commissioners in Lunacy, which may become payable under the provisions of any Act of the present Session to amend the Laws relating to the custody and treatment of Lunatics.

Resolution to be reported *To-morrow,* at Two of the clock.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 17*th June,* 1881.

MINUTES.]—Public Bills—*Second Reading*—Gas Provisional Orders* (97); Land Tax Commissioners' Names* (109); Local Government (Ireland) Provisional Orders (Ballymena, &c.)* (110); Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.)* (111); Local Government Provisional Orders (Cottingham, &c.)* (112); Local Government Provisional Orders (Askern, &c.)* (115); Local Government Provisional Orders (Horfield, &c.)* (116).

Committee—Inclosure Provisional Order (Thurstaston Common)* (76).

Committee — Report—Local Government (Gas) Provisional Order* (93).

Report—Local Government Provisional Order (Birmingham)* (94).

Third Reading—Land Drainage Provisional Orders* (104), and *passed.*

LANDLORD AND TENANT (IRELAND) —THE TOWNLAND VALUATIONS ACT, 6 & 7 WILL. IV. c. 81.

RESOLUTION.

Lord WAVENEY, in moving to resolve—

"That in the opinion of this House in all calculations affecting the interests of landlord and tenant the Townland Valuation 6th and 7th Will. IV. chap. 84. should be adopted as the basis of adjustment,"

said, he would not have ventured to have brought the matter before the House had he not thought it would have been of interest to noble Lords connected with property in Ireland, and that the settlement of it would be of the highest importance to the safe working of the Bill which was now occupying the attention of the other House of Parliament. The system of valuation of land in Ireland was founded upon that of Sir Richard Griffith, which was made not for the purposes of rent, but for the purposes of taxation. His point was that especially in the introduction of any new principle of adjustment of rent as between landlord and tenant in Ireland it would be essential, indeed absolutely indispensable, that the standard by which those arrangements were to be regulated should be founded upon scientific and indisputable bases. It would not be well that a general valuation should be governed here and there solely and exclusively by the particular customs existing in any county or province of Ireland; but local circumstances in other respects would be matters for consideration in making this fair adjustment. There should be a rule in valuing which could be followed with almost mathematical accuracy; but such a standard could not be obtained by Griffith's valuation of 1862. Sir Richard Griffith's system of valuation was commenced in 1833-4; and he (Lord Waveney) contended it showed what the value of every portion of the land of Ireland really was. It was adopted as the result of much consideration and very minute inquiry by him; but there was another valuation, that of 1862, to which he had referred, which was carried out in a different way. The object of the valuation of 1833 was, in the original instance, to ascertain what the real valuation of the land was with respect to the productive qualities of the soil, and to surrounding circumstances—such as the existence of convenient market roads, &c. The quality of the land in that valuation in the different Provinces of the country was clearly and scientifically investigated, and to those soils a certain value was assigned. That valuation having been made for that specific purpose, it should now be carried out in all its integrity. He held in his hand a copy of the original valuation, which he obtained in 1840 from the publishers of the original survey, Messrs. Hodges and Smith, which was made from Government records, and which gave instructions how to ascertain the value of a farm for letting purposes. The book was published many years ago, when the prices of produce all over Ireland were much lower than in recent years. Of course, it was perfectly intelligible that values should alter; but there was no difficulty in adjusting the value of produce at the present time, as compared with the value of produce at the time of which he spoke. The later valuation was intended to guide the authorities as to what the rate of taxation should be; but though it was for that single object, the earlier one showed what the land was worth. Great changes had certainly taken place; but, without going minutely into the matter, he might say that prices had risen very largely. Indeed, so far as his own knowledge went, the valuation of 1862 was 25 per cent less than the letting value of great estates, and that 25 per cent, added to the former valuation, brought the amount up to the fair letting value of the present day. Indeed, it was a singular testimony to the accuracy of Sir Richard Griffith's estimates that, on nearly all the largest and best managed estates in the country, the rents were at this day only 25 per cent above the 1833 valuation. He had heard that a new valuation was desirable; but it was said that it was almost impracticable to carry it out. He (Lord Waveney), however, might say that there would not be so much trouble in making it as was generally supposed, because, on application being made to a distinguished surveyor and valuer of land, he stated that such a valuation could be completed in three years. He maintained that no re-valuation was now required. If it were attempted there would be a great suspense in the settlement of questions affecting the land. Besides, under the present system, they had, in the valuation of 1833, a complete valuation of Ireland in existence, which was useful for all practical requirements, and which would save the expense, trouble, and delay of a new valuation. He could say of his own knowledge that farms and estates had been re-valued upon the basis of the present system, and that such valuation had been accepted by both landlords and tenants. The question which would come before them for consideration of what was a fair rental would tax the powers of Parliament to the utmost. The origin of the right of the tenants of Ulster was based upon the peculiar circumstances of that Province; and those circumstances were entirely, completely, and absolutely different to all other parts of Ireland. The chief of those circumstances was that most of the Province of Ulster was occupied by the descendants of Scotchmen and Englishmen, and that the landlords and tenants were of one type, and had worked together on good terms. In that Province there were two values; the one belonged to the landlord, and the other to the tenants. Take the value of land to be 16*s.* an acre, a tenant would give £14 an acre in the open market for tenant right, and that at 5 per cent equalled 30*s.* an acre rental. In many parts of Ireland, landlords had made large improvements both as regarded the land and in building cottages, and they should derive some benefit from them; but, in all future arrangements, there should be a fixed standard to work by. That being so, the value of land would be ascertained by the officials of the tribunal before whom any question of the kind came. In connection with the subject, he had taken the opinion of Irish farmers on the point, and it was that, without some other industry, a farmer in Ireland could not live and support his family on fewer than 20 or 25 acres of land. He believed that by making a declaration beforehand in the terms of his Motion, they would very much facilitate the operation of legislation both in the Lower House and in this House. These were the reasons which had induced him to press the question again upon the House; and he thought it would be well in the spirit of wise statesmanship to depart from the fixed rules which were so dear to them. Griffith's valuation of 1862 did not meet the exigencies of the case, and he argued that it was desirable to proceed on the principles which had governed the valuation of 1833. It had been said that England could not govern Ireland; but that he denied, for she could do so, if, passing from her own special habits, she practised the great English qualities of justice and fair play, and did not attempt to govern in direct opposition to the genius of the people. He was of opinion that, though there were enormous difficulties in the way, Ireland could be made prosperous by justice and a consideration for the peculiar circumstances of that country. Ireland could not be governed on the strict rules which were found applicable to this country. He believed that legislation, such as they were then attempting, to improve the condition of the Irish tenants generally, and a general system of emigration, would bring about a great improvement in that country and a happier state of things than that which now existed. The noble Lord concluded by moving his Resolution.

Moved to resolve, That in the opinion of this House in all calculations affecting the interests of landlord and tenant the Townland Valuation 6th and 7th Will. IV. chap. 84. should be adopted as the basis of adjustment.—(*The Lord Waveney*).

VISCOUNT LIFFORD said, he cordially agreed with the noble Lord opposite (Lord Waveney) in the first part of his speech, in which he had acknowledged the great and important services which were rendered to Ireland by Sir Richard Griffith in the matter of this valuation. He had the honour of being acquainted with him, and he assured him (Viscount Lifford) personally that he had been over every townland in Ireland before making his valuation. He had also stated that his valuation was for assessment purposes, and not for the purposes of rent; consequently, his view was precisely the reverse of that of the noble Lord as to the basis of value for rent. On that account, 25 per cent had been considered as a fair addition, though it was now called rack rent; and he understood his noble Friend also to propose that an addition of 25 per cent to Griffith's valuation should be taken as a standard. He (Viscount Lifford) had strong objections to the statement. In the first place, the prices of agricultural produce had doubled since that valuation was made. In the next place, by the construction of railways, wherever they had been made the value of land had much increased. He did not think that they should adopt the standard which was suggested by the noble Lord for the valuation of land in Ireland.

LORD CARLINGFORD said, he would not now discuss the customs of Ulster and tenant right; and perhaps he might have left the matter in the hands of the noble Viscount who had just spoken (Viscount Lifford), especially after the debate which took place a short time ago on this subject. His (Lord Carlingford's) difficulty was to know exactly what his noble Friend intended the House to understand by his Motion. He thought that though his noble Friend mentioned "townland" valuation, he must mean "tenement" valuation. There might be some facts relating to the obsolete townland valuation which his search had not revealed; but, as far as he could learn, there was no difference of principle whatever between the townland valuation of Ireland and Griffith's valuation, which were both conducted by Sir Richard Griffith. There had been in the history of Irish legislation a very marked difference of principle between successive measures that had been adopted or proposed to Parliament. On the one hand, Griffith's valuation was that of taking the capabilities of the soil and the average price of produce; and, on the other hand, the English or Scotch based the valuation practically upon rent and upon probable and reasonable letting value. That was the principle adopted in the case of the Poor Law valuation in Ireland. There had been much difference of opinion, and there would be much difference again, as to which of these principles ought to be applied to Irish legislation. But between the townland and tenement valuations in Ireland there was no difference of principle. They were both based on the principle of taking the capabilities of the soil and the average price of the produce. Of course, in the case of the townland valuation, it did not extend to particular holdings, but was a valuation of a considerable area, and yet the noble Lord wished the House to resolve that this valuation ought to be taken as the foundation of any future settlement of rents between landlords and tenants in Ireland by any process which might hereafter be enacted by Parliament. He must say that he was not able to agree with him for the reasons just given by the noble Viscount, and for reasons in the same direction given in the discussion a few days ago. His belief was that it would be impossible for the House to commit itself to any such view; and if any mode of settling rent was to be enacted by Parliament, it would have to be through the medium of some constituted authority which would consider all the circumstances of each particular holding, and endeavour to arrive at an equitable conclusion in each particular case, and not by binding Parliament, or the future tribunal, or authority, to a dictum such as that in the Motion of his noble Friend. He hoped the noble Lord would be satisfied with having put his views before the House, and would not ask their Lordships to adopt a Resolution of that kind.

Lord **WAVENEY** said, that, after the appeal made by his noble Friend (Lord Carlingford), he would not persist in his Motion.

Motion (by leave of the House) *withdrawn.*

IRELAND—EJECTMENTS FOR NON-PAYMENT OF RENT.

MOTION FOR A RETURN.

The Earl of **LIMERICK**, in moving—

> "For a Return showing the total number of cases of ejectment for non-payment of rent in Ireland since the Land Act, 1870, came into operation, in which claims for disturbance on account of the rent being an exorbitant rent have been made, with the amount claimed in each such case, and the amount, if any, awarded by the court,"

said, that under the existing law, if the rent of a holding did not exceed £15, and the tenant was evicted for non-payment of rent, where he was able to prove that the rent was exorbitant, he might go into the Court, and the Court might award him compensation for disturbance. Their Lordships were well aware that very serious charges had of late been urged against the Irish landlords as a body, and that they had been specially accused of dealing harshly with their tenants, and exacting most excessive and exorbitant rents. Their Lordships were also aware that behind the tenants was a strong body ready to take up their case. Under those circumstances, he had brought forward the Motion he had put upon the Paper, and he believed he might state that, as a matter of fact, there had been very few of such cases. He understood that a similar Return had been moved for in "another place" last year, and he believed that the Return was *nil.* Of course a period of 12 months had since elapsed, and as that had been a year of considerable excitement, it was possible that some cases had been brought before the Court during that period; and he was quite sure that if there had been any such cases to be found, there would have been no hesitation on the part of the tenants, or of those who advised them, in bringing them before the Court in the way prescribed by the Land Act of 1870. If cases had not been so brought before the Courts, there was *primâ facie* ground for believing that the charges made were groundless. He trusted the Government would consent to produce the Return asked for, in order that the House might see whether there had been any such cases. He thought they could have no possible objection to accede to the Motion, the effect of which would be to bring their information on the subject down to the present date.

Moved for, Return showing the total number of cases of ejectment for non-payment of rent in Ireland since the Land Act, 1870, came into operation, in which claims for disturbance on account of the rent being an exorbitant rent have been made, with the amount claimed in each such case, and the amount (if any) awarded by the court.—(*The Earl of Limerick.*)

LORD CARLINGFORD, in reply, said, he thought that the Return might be given without delay, and there was, of course, no objection to its being produced. He believed it would be found to show a very small number of the cases referred to; but with regard to the point of claims for disturbance in cases of what was called exorbitant rent, he must say that the matter had been brought by several of the County Court Judges before both of the Commissions that had lately inquired into the Land Question; and these gentlemen had said that if a more moderate word had been used, say "unreasonable," instead of "exorbitant," they were quite clear that in many cases they would have exercised their jurisdiction and given compensation which they felt they were precluded from doing by the wording of the Act, the term "exorbitant" being rather too much for them.

Motion *agreed to.*

Return *ordered* to be laid before the House.

House adjourned at a quarter past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 17*th June*, 1881.

MINUTES.]—PUBLIC BILLS—*Select Committee* —*Report*—Presumption of Life (Scotland) [No. 287].

Committee—Land Law (Ireland) [135]—R.P.

Committee—*Report*—Summary Jurisdiction (Process) [179].

Report—Local Government Provisional Orders (Acton, &c.) * [159]; Pier and Harbour Orders Confirmation, consolidated with the Pier and Harbour Orders Confirmation (No. 2) * [143-161].

Third Reading—Consolidated Fund (No. 3) *, and *passed.*

QUESTIONS.

The House met at Two of the clock.

SALE OF INTOXICATING LIQUORS—LOCAL OPTION.

MR. NEWDEGATE asked the honourable Baronet the member for Carlisle, When he intends to ask the leave of the House to introduce a Bill for the purpose of giving effect to the Resolutions adopted by the House upon the Motion proposed by him on Tuesday last?

SIR WILFRID LAWSON: Sir, in reply to my hon. Friend, I beg to say I am very much afraid that he has not seen the Circular which I issued and addressed to hon. Members the day before the discussion took place on the Local Option Resolution. Had he received it, he would have understood all about it, for he would have seen that the Motion was a simple confirmation of the Resolution adopted last year, and was designed to strengthen the hands of the Government in dealing with this urgent question at the earliest practicable moment. That was the intention of moving the Resolution. When I am asked if I intend to introduce a Bill, all I have got to say is that I have full confidence in Her Majesty's Government, which, as I understand, came into power mainly to vindicate the authority of Parliament. Therefore, I do not think it at all likely that they will ignore the instruction of the House of Commons, which clearly is the mandate of the country. If, however, the Government do not take action, then, of course, I shall have to consider what course I must adopt, and, in that case, I will give my hon. Friend due Notice of anything which I intend to propose, and I shall hope to have his co-operation and that of the hon. and learned Member for Bridport (Mr. Warton), and of the other Leaders of the Conservative Party.

POST OFFICE—THE SORTING CLERKS.

VISCOUNT **SANDON** asked the Postmaster General, Whether the scheme for dealing with the representations contained in the memorials of the sorting clerks will be issued at the same time as that with respect to the telegraphists?

MR. **FAWCETT**: Sir, although I am very reluctant to occupy the time of the House, I think it will be desirable to answer this Question in some detail. I am glad that the noble Viscount has addressed this inquiry to me, for I should be sorry if it were thought that the case of the postal or, as they are sometimes called, sorting clerks had not received as much consideration as that of the telegraphists. As I have stated on previous occasions, various Memorials were forwarded to me some months since from the postal clerks and the telegraphists referring to certain grievances under which they alleged they were suffering. In reply, I stated that I would give careful consideration to all the matters complained of, and that I would spare no effort to arrive with the least delay possible at a just conclusion. The postal clerks at once accepted this assurance in the spirit in which it was given, and they have waited quietly for the decision which was promised them. It is scarcely necessary for me to remind the House of the very different course which has been pursued by the telegraphists. Almost before I had time to commence the necessary investigation, before even I had received some of the communications which the telegraphists themselves had expressed to me, I was again and again pressed with Questions in this House. Meetings were repeatedly held by the telegraphists, in which threats of a strike were freely indulged in, and my own action and that of the Department in the matter was denounced in no very measured terms. Under these circumstances, I feel that the postal clerks ought to receive, at least, as much consideration as the telegraphists, and I am glad to be able to state that the same steps will be taken in their case as those which I think are necessary to improve the position of the telegraphists. The scheme by which it is proposed to carry out the changes contemplated will be laid on the Table almost immediately. When I mention that these changes will involve an immediate charge of £68,000 a-year, and an ultimate charge of not less than £150,000 a-year, I am sure the House will feel that no one who is responsible for the administration of a Department would be justified in proposing, nor would the Treasury be justified in sanctioning, so large an increase in the expenditure of public money before the subject had been thoroughly investigated in all its aspects.

ARMY—REGIMENTAL COLOURS.

CAPTAIN **AYLMER** asked the Secretary of State for War, If, considering the fact that certain regiments which have lately been engaged in South Africa and Afghanistan, have been permitted to bear those names on their colours, he will sanction the names "Blenheim," "Malplaquet," "Ramillies," and "Audenarde" being inscribed on the colours of the regiments historically connected with those memorable battles?

MR. **CHILDERS**: Sir, if the hon. and gallant Gentleman will refer to page 9, paragraph 28, of the Report of the Committee on territorial regiments, which I stated in moving the Estimates that we were going to carry out, he will see that we intend to add to the list of successes commemorated on regimental colours Blenheim, Ramillies, Oudenarde, Malplaquet, the Capture of Quebec, and probably others.

ARMY RE-ORGANIZATION — OFFICERS OF THE EAST INDIA COMPANY'S SERVICE.

MR. **ARTHUR O'CONNOR** asked the Secretary of State for War, If, inasmuch as the statute 23 and 24 Vic. c. 100, provides that

"The advantages as to pay, pension, allowances, privileges, promotion, and otherwise secured to the Military Forces of the East India Company by the Act of 21 and 22 Vic. c. 106, ss. 56 and 58 respectively, shall be maintained in any plan for the reorganization of the Indian Army,"

he has considered whether it would not be a violation of the provisions of the said Act to place officers of the new line regiments, who were brought from the East India Company's Service, on the retired list on account of their not having reached a certain rank at a specified age?

MR. CHILDERS: No, Sir; it is perfectly clear that these officers are subject to all the incidence of service and retirement, in the same way as other officers, and that they were perfectly aware of this when they volunteered to join these regiments. They, however, are guaranteed their reversionary pensions, if they elect, when retired, to go on half-pay till the time for pension comes, instead of taking the special pensions which were offered under the Warrant of the 6th of September, 1878. The officers in question withdrew themselves from the protection of the "Henley" clause, and placed themselves in a position to which it could by no possibility apply.

TUNIS (POLITICAL AFFAIRS).

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether, at the present moment, Her Majesty's Consular Agent at Tunis has access to the Bey on matters affecting British interests; and, if not, whether there is any instance on record where the Foreign Diplomatic or Consular Representatives at the capital of a recognized Government have been requested by one of their body to communicate through him to the authorities of the country?

LORD RANDOLPH CHURCHILL asked, also, Whether, at the present time, the British Consul at Tunis has free access to the Bey of Tunis on public matters; and, whether, as far as the British Consul is concerned, M. Roustan's Circular is invalid and ineffectual?

SIR CHARLES W. DILKE: Sir, I am not aware of any recent change in the practice of the Bey as to the reception of the Representative of Her Majesty. I am not aware of any instance on record where the Foreign Diplomatic or Consular Representatives at the capital of a recognized Government have been requested by one of their body to communicate through him with the authorities of the country. In the present case, the Bey of Tunis has himself appointed M. Roustan as his intermediary. This appointment is, as I have twice stated, the subject of diplomatic correspondence which is now proceeding.

Subsequently,

MR. OTWAY (for Mr. MONTAGUE GUEST) asked the Under Secretary of State for Foreign Affairs, Whether the appointment of M. Roustan as sole intermediary between the Bey of Tunis and the Foreign Representatives there is in contradiction with M. St. Hilaire's assurances that the treaty rights of England should be "scrupulously respected;" whether, as a matter of fact, this arrangement does not in a great measure abrogate all our conventions with Tunis; and, whether Her Majesty's Government is prepared to lay upon the Table the instructions they have given to the Political Agent and Consul General of Great Britain at Tunis with respect to M. Roustan's Circular? The hon. Member added, that he understood that the French Minister Resident at Tunis had issued a notification, directing the Representative of the English Government to apply to him, in effect, on every occasion upon which he desired to obtain access on public matters to the Bey of Tunis. In those circumstances, as it was impossible that the English Resident should not have asked for instructions from his Government as to what he should do, he wished to put the following Question to the hon. Baronet, having given him private Notice of it—namely, Whether our Representative at Tunis has been instructed to comply with the demand or notification of the French Minister? [*Cries of* "Order!"] He was perfectly in Order. He wished to know, Whether the British Representative at Tunis has been instructed to comply with this unheard-of notification, or to disregard it, and maintain the rights which the Representative of Her Majesty's Government has of free access to the Bey and Government of Tunis?

SIR CHARLES W. DILKE: Sir, Her Majesty's Government have been advised that the appointment by the Bey of M. Roustan as intermediary for Foreign Affairs does not affect our Treaty rights. The Instructions to Her Majesty's Agent will be laid on the Table of the House. As I have already stated, there is no right of access by our Representative to the Bey by Treaty, nor is he assumed to possess such a right. He has been instructed to transact business in the manner in which he has been accustomed to transact it with the Government of Tunis, although there has been a change of persons; and when referred by that Government to M. Roustan, to communicate with M. Roustan accordingly. Communications are passing as to the effect of this action on our part; but I am unable at the present time to state the nature of those communications to the House.

Mr. BOURKE: Will the instructions which have been sent to Her Majesty's Representative at Tunis be laid upon the Table?

Sir CHARLES W. DILKE: Certainly, with the other Papers.

Mr. OTWAY said, that Her Majesty's Representative at Tunis, if he had no right of access to the Bey by Treaty, enjoyed the privileges which were accorded to the Representatives of all countries by the comity of nations. He wished to know, whether, in the case of Her Majesty's Representative at Tunis, those privileges have been withdrawn?

Sir CHARLES W. DILKE: Sir, I have already stated that we are not aware of any right of access to the Bey by Treaty. Access is a matter of courtesy now as before.

Mr. LABOUCHERE: Will my hon. Friend allow me to ask, with whom do foreign Consuls communicate as the Representative of the Government in that part of the Turkish Dominions called Cyprus?

Mr. MACFARLANE also asked, whether the present state of affairs in Tunis is not due to the *carte blanche* which has been given to M. Waddington in the matter by Lord Salisbury?

Sir CHARLES W. DILKE, in reply, said, that the communications of foreign Governments with regard to Cyprus took place, as a matter of fact, with the British Government. With regard to the further Question put by his hon. Friend behind him, he might state that the instructions given to Mr. Reade had reference to the transaction of current business with the Government of Tunis. Communications were passing, in which the views of Her Majesty's Government were set forth; but until those communications were complete, of course they could not be laid before the House.

Sir H. DRUMMOND WOLFF asked, whether the communications were with the French Government?

Sir CHARLES W. DILKE replied, that there were communications with the French Government.

LAND LAW (IRELAND) BILL.

Mr. O'SHEA asked the First Lord of the Treasury, Whether, considering the great importance of the Land Law (Ireland) Bill, he will consider the expediency of ordering it to be occasionally reprinted during its progress through the House, the Amendments already passed being distinguished by italics or otherwise from the original text?

Mr. GLADSTONE: Sir, I find there is no regular course laid down in cases of the kind. There is some difficulty in determining when a reprint of this kind should take place. It would not be convenient to make such reprints very numerous, and some misapprehension might be produced if any reprint were made at the present stage, without the sub-section which was to be re-cast. It is usual, I believe, for the Chairman of Committees to consider what would be a convenient time for such reprints to be issued, and that course will be followed on the present occasion.

Sir STAFFORD NORTHCOTE: What will be done about the Government Amendments?

Mr. GLADSTONE: I had intended to have referred to that, and perhaps I had better say these two things now, without waiting until we are compelled to do so in Committee. First of all, we shall be able to lay upon the Table the form in which we shall propose Clause 7 to-day before the House parts. I think it would be convenient to say a few words in explanation of the form in which that part of the Bill appears. When the Cabinet first proceeded to consider this very important question the bias of their minds was towards the use of very general words, leaving the matter to the discretion of the Court, and not attempting to supply it with any directions as to the fixing of the rent more specific than the double injunction that it was to hear all parties and examine all relevant circumstances. We were, however, apprehensive that if we took that course, suspicion would be excited and objection taken to a discretion of that kind being given, and, whether we were right or wrong, we gave weight to that consideration. We then determined not to supply any definition; but we endeavoured to give a general indication to the Court, by adverting to what a solvent tenant would give on the one side, and to the consideration of tenant right on the other. But what happened in the way of comment, both outside and inside this House, very soon showed that that course had led to great misapprehension as to our intentions and as to what we thought ought to be done and would be the course of things under the Bill; and, as everyone knows, these misapprehensions, when once they have taken root, are exceedingly difficult to remove by any mere explanation. Upon the whole, we were led to the conclusion that we should do more wisely by proceeding upon the basis to which we were originally inclined—namely, that of giving general directions to the Court with respect to the hearing of parties and to the examination of all the relevant circumstances of the case—the same power that was exercised by the Courts in certain parts of Ireland in connection with the Ulster Custom, and also in certain cases arising under the Land Act—and the question, therefore, is not entirely new to them. Therefore, we intend to ask the House to part with all that portion of the clause referring to tenant right and the solvent tenant, and to give directions to the Court in a more general manner upon the double bases which I have described. I am only stating this with respect to the intention of the Government, and what they think best, with regard to a true and impartial consideration of this question, and without binding any other person, as far as I can gather, there is a disposition to consider this question impartially, and I do not really believe there is any essential difference in our mind as to the real basis upon which a fair rent ought to be estimated in Ireland.

Subsequently,

MR. T. P. O'CONNOR said, it was impossible to anticipate at that moment what would be the effect of this perilous change of front as regarded the 7th clause, consequent upon the announcement made by the Prime Minister; but it would probably very much enlarge the domain of the Land Court. It was, therefore, now more than ever important that hon. Members should have some conception of the proposed Land Court. What he would respectfully ask the Prime Minister was, Whether, at the present moment, he was able to make any announcement respecting the constitution of the Land Court?

MR. GLADSTONE: It does not appear to me, Sir, that this is a subject for a Question across the Table, even if it were with Notice, instead of, as it is, without. I do not see that the domain of the Court is going to be enlarged in the slightest degree; and, consequently, we should enter into matter of argument immediately between the hon. Member and myself. But if he wishes to raise that question, no doubt he will be able to find an opportunity. I do not think we have as yet arrived at a point in the Bill at which it would be possible to entertain it with advantage. The House has not yet adopted the 7th clause, either in its present form, or with the modifications we propose.

MR. T. P. O'CONNOR said, that if he were not in Order in asking a Question respecting the 7th clause, because that clause had not been reached, by what reasons did the right hon. Gentleman justify his own announcements regarding it?

LORD RANDOLPH CHURCHILL said, he must remind the right hon. Gentleman that he put a Question some weeks ago, and from the answer he gathered that although he could not then communicate the names of the Commissioners, it was the desire of the Government to communicate them at the earliest convenient moment. He (Lord Randolph Churchill) should be glad to know whether he would give the names before they came to the 7th clause, which might be a very long time perhaps?

MR. GLADSTONE, in reply, said, that it would be difficult for the Government to give the names of the Commissioners until the House had determined that there should be Commissioners. He did not see how the names could be given before that time, otherwise they might be named to Offices which might never come into existence.

When the Government had a sufficient indication of the view of the House, they would lose no time in making up their minds, and communicate the result to the House in time to enable them to take action if they thought fit.

FISHERY PIERS AND HARBOURS (IRELAND).

Mr. ARTHUR O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been directed to the backward state of the works for Piers and Harbours detailed in Paper, No. 244, of the present Session; if he can explain why the Pier of Gerrahies Reef in Cork, Bunatruhan in Donegal, and Glenlara in Mayo, to be carried out by the Board of Works, have not yet been commenced; and, whether the contractors for the Piers of Mill Cove in Cork, Malin Beg in Donegal, Oranmore in Galway, and Inishcrone in Sligo, none of which have yet been commenced, will be liable to pay any penalty for non-fulfilment, and whether the Government are prepared to enforce such penalty?

Lord FREDERICK CAVENDISH: Sir, as this Question concerns the Board of Works, I have to answer it on behalf of the Treasury. The work at Gerrahies Reef was commenced on May 13, subsequent to the date of the Return. It is not a pier, but rock excavation in the tideway, and therefore can only be done in fine, calm weather and under proper conditions of tide. The work at Bunatruhan is a supplementary excavation near a pier previously sanctioned, and cannot be well commenced until the pier is finished, which will be, I hope, in two or three weeks. As to Glenlara, I learn that no suitable tender could be obtained until the 3rd instant, but that the works will be commenced as soon as possible. With regard to the four other piers mentioned, Mill Cove, Malin Beg, and Oranmore were commenced on the 12th of May, 7th of June, and 9th of May respectively, and satisfactory progress is being made; while Inishcrone is more than half finished. All the contract deeds provide for penalties in case the works are not complete at the time contracted for; and these penalties will be enforced as a matter of course, unless sufficient reason is shown for their mitigation. With respect to the charge of general backwardness, I would remind the House that by the provisions of the Fisheries Acts various preliminary steps had to be taken before the works could be commenced. A joint Departmental Committee was appointed last year for the purpose of obviating, as far as possible, all delay. In a certain number of cases, however, the Committee has not succeeded in removing the various obstacles to the early completion of the works.

GREECE—FRAUDS ON THE GOVERNMENT.

Mr. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, Whether any Report has been made by Her Majesty's Representative at Athens as to the dismissal of two Greek Ministers for personal corruption; and, if so, whether such corruption took place in connection with the military expenditure of £6,000,000 incurred by Greece since July, 1880?

Sir CHARLES W. DILKE: Sir, Her Majesty's Government have received no information of the dismissal of two Greek Ministers for personal corruption, and have no reason to believe that there is any truth in the report alluded to by the hon. Member. Her Majesty's Minister at Athens has reported that 18 persons have been arrested for frauds upon the Government, of whom 16 are Government officials?

Subsequently,

Mr. ASHMEAD-BARTLETT asked the Under Secretary of State for Foreign Affairs, If he will inquire whether the statements in several of the morning papers as to recent occurrences at Athens are correct or not?

Sir CHARLES W. DILKE: Sir, if the hon. Member will show me the statements in the morning papers I shall be able to give an opinion on the subject. At present I have not seen them.

PARLIAMENT—BUSINESS OF THE HOUSE — ARMY RE-ORGANIZATION.

In reply to Sir Walter B. Barttelot,

Mr. GLADSTONE said, he could not positively state at the present moment when the discussion on the new scheme of Army Re-organization would be taken. Due notice would, of course, be given, and it should be borne in mind that the discussion must take place before the end of this month.

EVICTIONS (IRELAND).

Mr. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he has taken any steps to keep himself informed as to the character of the evictions which have taken place since the close of last Session; and, if so, whether he can inform the House approximately as to the number of evictions which have been executed against small tenants of less than £10 yearly valuation, and the number of evictions which have been executed against tenants of a higher valuation?

Mr. W. E. FORSTER: Sir, I have obtained what information I could as to the character of these evictions; but that information, from its very nature, is, and must be, generally of a confidential character. The hon. Member also asks me if I can inform the House approximately as to the number of evictions executed against small tenants of less than £10 yearly valuation, and the number of evictions executed against tenants of a higher valuation. I have succeeded in getting the valuation in 673 cases of eviction since the 1st of August last. That is all I have been able to get, and the Return does not include any sub-tenants; but, as the hon. Member knows, they are very often replaced immediately after the eviction of the head tenant. Of these cases, I find that in 322 the valuation stands at £10 or under, and in 351 it was over £10. I believe that will include a very large majority of the cases of eviction from agricultural holdings in Ireland. On Monday last the hon. Member asked me if I was aware that the majority of the tenants, in reference to whom ejectments had been issued, occupied holdings valued at less than £8 a-year, which, in many cases, materially exceeded the Government valuation. I stated at the time that I thought that must be a misapprehension, and I am now certain that it is so.

PALACE OF WESTMINSTER—LIGHTING OF THIS HOUSE.

Mr. DILLWYN asked the First Commissioner of Works, Whether it is his intention to repeat the experiment of the electric light this night?

Mr. SHAW LEFEVRE, in reply, said, that considerable improvements would be introduced; but, as the necessary preparations had not yet been made, the experiment would not be repeated until Friday next.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MESSRS. MANNIX.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state the result of his communication with the Irish Government as to the case of Messrs. Mannix, who were arrested at Mitchelstown on a charge of being reasonably suspected of riot and assaulting constables, upon an occasion when the sheriff of the county publicly admitted that Messrs. Mannix had been most energetic in getting the people to keep the peace?

Mr. W. E. FORSTER: Sir, I have made inquiry on the subject, and am informed that the remarks of the sub-sheriff apply to only one of the persons named in the Question—namely, Mannix junior, and only so far as his own observation went; but that was not borne out by the facts that occurred on the day of the eviction. The extract from the newspapers stated that the sub-sheriff said his statement was borne out by the resident magistrate, Mr. Eaton; but from what I hear from Mr. Eaton that is not so.

Mr. HEALY asked, whether the right hon. Gentleman was aware that Mr. Mannix who had been arrested was over 80 years of age?

Mr. W. E. FORSTER: Sir, I inquired into the matter, and we were informed originally that he was about 60; but, upon further inquiry, we found that although it is an entire mistake to say his age is 80, there was every reason to believe he was 64 last Thursday. I am informed he himself says he is 66, and, supposing it to be so, persons who have had an opportunity of seeing him, specially during the last four months, describe him as a hale and strong man for his time of life.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—POLITICAL PRISONERS IN LIMERICK GAOL.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there is any objection to the production of the report made as to the recent complaints of the political prisoners of Limerick Gaol, respecting which Questions have recently been put in this House; and, if he can now state whether the causes of reasonable complaint by the prisoners have been removed?

Mr. W. E. FORSTER: Sir, the Report made by the Inspector under the general prison clauses is a confidential document which I cannot produced. I do not think there were causes of reasonable complaint; but I may state, as a matter of fact, that Mr. Hodnett, whose case has been alluded to, had an interview on the 2nd instant with the Governor of the prison, admitted to him that he had been doing wrong, and promised that he would not give trouble in the future. The Governor, therefore, was able to remove all the restrictions under which he had been placed.

IRELAND — LOCAL CONTRACTS FOR UNIFORMS FOR ARMY AND OTHER SERVICES—MANUFACTURE OF UNIFORMS IN IRELAND.

Mr. M'COAN asked severally the Secretary of State for War, the Chief Secretary to the Lord Lieutenant of Ireland, and the Postmaster General, Whether it is true that, within recent time, the contracts for Army clothing, clothing for the military prisons, barrack furniture, clothing for the Royal Irish Constabulary, soldiers' sea kits, Post Office and Telegraph clothing, and other supplies, formerly offered for public tender in Ireland, have been wholly, or for the most part, withdrawn from local Irish competition, and are now furnished from England; and, whether the several Ministers concerned will state to the House the reasons for which the injury involved in such withdrawals has been done to the Irish industries thereby affected?

Mr. CHILDERS: Sir, the Question of the hon. Member appears to have been prompted, so far as the War Office is concerned, by a printed circular from some Dublin tradesman, which I and other hon. Members of Parliament received yesterday. I at once sent it to the proper officers of the War Department for consideration; and I must refer the hon. Member to my answer yesterday to the hon. Member for Longford (Mr. Justin M'Carthy), from which he will have seen that I should be glad, consistently with the conditions of cost and good workmanship, to localize contracts. I have no information as to the reasons which many years ago may have led to fewer contracts having been taken in Ireland.

Mr. FAWCETT said, that, with reference to his Department, some time since it was arranged, with the approval of the Treasury, that the uniforms for the Postal Service should be supplied by the War Office, and consequently all the regulations were with that Department.

Mr. CHILDERS: That is what I intended to express, and they are largely supplied from Limerick.

Mr. W. E. FORSTER said, with regard to the Royal Irish Constabulary, that the existing arrangements had been made as much as 10 years ago. He believed that in one case an Irish firm had received the contract, and in another an English firm.

In reply to Mr. Parnell,

Mr. CHILDERS said, he had already stated that at present the whole of the inspection of Army clothing took place in this country, and so far as Limerick work was concerned, he had heard of no objection.

In reply to Mr. M'Coan,

Mr. CHILDERS said, he understood the hon. Gentleman to ask him whether he saw any objection to all the clothing required for troops or other Departments in Ireland being exclusively obtained in Ireland. He should see the greatest possible objection to such a course. There were questions both of cost and good workmanship to be considered, and it would, therefore, be impossible to lay down the rule that clothing required in a particular district must be made in that district. Ireland was not the only part of the Kingdom to which such a rule would have to apply, but also Scotland, or Lancashire, or any other distinctive part of the country.

Mr. ARTHUR O'CONNOR asked, whether the clothing obtained in Limerick cost less or more than that obtained in other places?

[No answer was given to the Question.]

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [TENTH NIGHT.]

[*Progress* 16*th June.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.

ORDINARY CONDITIONS OF TENANCIES.

Clause 2 (Devolution of tenancies).

MR. GREER said, he had an Amendment on the Paper which he thought would be an improvement, and which, if adopted, would make the clause read thus—

> "Where the tenant of a tenancy to which this Act applies has bequeathed his tenancy to one person only, such person shall have the same claim to be accepted as tenant by the landlord as if the tenancy had been sold to him by the testator."

The words he proposed to strike out were quite unnecessary, for in the natural course of things the executors, or "the personal representatives of the tenant," would have to transfer whatever they received to the person to whom the property had been left by the testator. If the right hon. and learned Gentleman the Attorney General for Ireland thought the clause would be legally complete without the words "and the personal representatives of the tenant have assented to the bequest," it would be better to omit them.

Amendment proposed, in page 3, line 23, leave out from "and" to "bequest" in line 24.—(*Mr. Greer.*)

MR. HEALY said, he had an Amendment precisely similar to this, and he therefore trusted the Government would accede to the hon. Member's proposal. There was no reason in the world why the words in question should be retained, for they were never insisted upon in other cases.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that both hon. Members misconceived the meaning of these words. A legatee had no title at all to the property until the executor or administrator had assented to the bequest. It was the executor's or administrator's assent which passed the property to the legatee; therefore, to omit the words would be to leave the clause in a most incomplete state.

Amendment, by leave, *withdrawn.*

MR. HEALY said, he wished to move a Proviso at the end of the first paragraph of the clause to the effect that the regulations in case of a sale, contained in the 1st clause, should not apply to these bequests. The reason for this was obvious. As the clause stood, it would render all those unfortunate exceptions contained in Clause 1 applicable to this section. For instance, it would render applicable the Proviso to the effect that, on receipt of notice, the landlord was to have the right of pre-emption, and the Proviso which said that, where the tenancy was made over to some other person than the landlord, the latter might refuse to accept the tenant. He did not think it was the intention of the Government that these conditions with regard to sale should apply to cases of bequest; therefore, he brought forward this Amendment.

Amendment proposed,

In page 3, line 26, after "testator," insert "Provided that the regulations in case of a sale by the tenant of his tenancy contained in the first section of this Act shall not apply to any such bequest."—(*Mr. Healy.*)

MR. MARUM said, he had an Amendment on the Paper to the same effect, and that Amendment he would read to the Committee—

> "Clause 2, page 3, line 26, after 'testator,' insert 'Provided always, That the transmission of a tenancy by bequest to a husband or wife, or to any one child or grandchild, or to any one brother or sister, or to any one child or grandchild of a brother or sister of the tenant, or the devolution of the tenancy by operation of law upon an intestacy or marriage, shall not entitle the landlord to a right of pre-emption therein, or to any refusal to accept such person as tenant within the meaning of this Act.'"

The question was whether these words were necessary. If they were not, he should not press them. Very likely, as the property mentioned in the bequest was to be dealt with as though it were sold, the first portion of his proposal would be unnecessary. He had taken the words from the 13th section of the Land Act.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was sorry to say he could not accept the Amendment. The hon. Member (Mr. Marum) was right in supposing that the restrictions would not apply to a legatee. One of the provisions in Clause 1 would indeed apply to the case as mentioned by the hon. Member for Wexford (Mr. Healy)—namely, that which recognized the possibility of their being reasonable grounds on which a landlord might refuse to admit a tenant; but all the other restrictions would be excluded. There would be no question whatever about pre-emption, for the tenancy would be treated as though it had been sold by the testator. It took up the tenancy as sold, and it could only be in that position after the landlord, having had the required notice of intention to sell, had waived his right. The landlord would have the power of objecting to the legatee, as he would have the power of objecting to a purchaser in the case of a sale, and the Government thought that right of the landlord ought not to be disturbed. It existed now in Ulster. They should not allow an objectionable person to be forced upon a landlord; and if the provision were right in the case of a sale, it was right in this case also.

MR. HEALY said, that, under the circumstances, he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. LALOR said, he had an Amendment to strike out the last two paragraphs of the clause, which were as follows:—

> "Where the tenant of any such tenancy has bequeathed his tenancy to more than one person, or dies intestate, his personal representatives shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant sell the tenancy, and in case of their default the landlord might sell the same. Where the tenant of a tenancy dies intestate, and without next of kin, such tenancy shall pass to the landlord."

If the clause stood as it was, in many cases great hardship would be done to a family, for it was customary in Ireland for small farmers, and even sometimes large farmers, to die without a will, and leave their property to several members of their family, perhaps to the wife and one of the children, or to the eldest son, as guardian over the remainder. The members of the family in such cases lived for years happily together, and conducted their business properly; and it would be a very great hardship to prevent such an arrangement, and throw the younger children on the world, and, perhaps, cause great confusion and unpleasantness in a family. He would, therefore, move that this portion of the clause be omitted.

Amendment proposed, in page 3, line 27, leave out from "where" to the end of the Clause.—(*Mr. Lalor.*)

MR. BIGGAR thought this was one of the most important Amendments which could be proposed to the Bill. The measure as it at present stood, and as the Government seemed at present inclined to carry it, would have a great tendency to consolidate holdings; in point of fact, the Bill seemed to go on the principle that holdings might increase in size, but never should get smaller. He held it to be a pernicious thing to prevent, in the case of a large farm, members of a family being partners in it. The evils which were said to flow from the Law of Primogeniture and Entail would, unless the clause were amended, in a marked degree hold good in regard to tenancies at will in Ireland. What would be the practical result of the clause? First of all, all the members of a family but one would be driven out, and the consequence would be that they would get less than the share to which they were entitled from the holder of the farm, or the latter would be obliged to mortgage it to such a degree that he would not be able to work the land properly. There were some very large and some very small farms in Ireland. He did not argue that subdivision should go beyond a certain point; but their experience in the North of Ireland was that a farm that could be worked by a man and his own family was the most profitable, as tested by what they brought in the market. Some farmers had a desire to accumulate property, and it was not at all uncommon to find persons who had bought several farms and put them into one holding. Well, if the clause passed in its present shape there would be no possibility for these persons to re-distribute the land into its former proportions. Under other circumstances a prosperous man might be inclined to acquire a number of farms, in order to leave one each to his sons, This the clause would prevent, as such a man would be forced to send out all but one member of his family into the world to make their living elsewhere, and the holder of the land would have to borrow money at ruinous interest in order to buy them off. The clause would lend an improper stimulus to emigration. They had had a discussion on a collateral Amendment the other night; but it had not been pressed, as it had been thought undesirable to get an adverse decision from the Government as to one branch of the case. Here, however, the case was different.

The CHAIRMAN: Is the hon. Member speaking of an Amendment he has considerably further down?

Mr. BIGGAR said, that was not the case. He was only endeavouring to show the difference between the principle raised by the Amendment disposed of a night or two ago and that raised by the present Amendment. The former Amendment went to test the question whether the tenant should have the power to sell first one part of his holding to one person, and then the remaining part or parts to other parties; or whether he should sell a part and retain a part. But the present case was different, as the Amendment took into consideration the question whether a person when he died should have power to divide his farm amongst the different members of his family, so that they might all continue to be farmers in Ireland; or whether only one person should inherit, and the rest of the family be forced to emigrate.

Mr. GLADSTONE said, he could not entertain the Amendment, for the reason that if the words were struck out of the clause, there would be an unlimited power to divide the tenant's interest in all holdings, however numerous the family might be. If the family consisted of 12 persons, they would all be able to take their share in the holding, however large or however small it was. The Committee had considered this question, under limited circumstances, the other night, and had decided the main principle. They had declined to entertain the principle, even where it was a case of deliberate transaction *inter vivos*, of allowing the tenant right to be sold piecemeal. They now wanted to give to the executors of a dead person the power they would not give to the living man. When a man died without making a will—which might be entirely owing to neglect—it would be most inconsistent with the decision arrived at with regard to living persons that there should be a division of the holding without the consent of the landlord. He would point out that the clause did not prevent a joint succession; it only put it in the power of the landlord to defend himself, if he thought fit, against the breaking up of an estate, which he had let as one estate, into two or three estates.

Mr. SHAW said, he could not support the Amendment, because he thought it would be unfair to raise the question of sub-division of a farm on the present occasion. But he hoped the Government would give favourable consideration to a clause further down, which stood in the name of the hon. Member for Waterford (Mr. Leamy), which proposed to give the family interested 12 months to select a person to succeed the deceased as tenant.

Mr. HINDE PALMER thought that what had fallen from the Prime Minister was quite sufficient to show the impropriety of striking out these words from the clause. If the clause were retained—as he presumed it would be—something appeared to be necessary at the end of the 2nd paragraph. The paragraph concluded with these words —"and in case of their default the landlord may sell the same." But there was no provision pointing out what the landlord was to do with the produce of the sale. There should be something added to tell the landlord what he was to do with the money realized by the sale.

Mr. GREGORY said, the Amendment raised an important point. It would not only apply to one tenant, but a succession of tenants. If the Amendment were agreed to, one man might divide the farm amongst his children, and they, in their turn, might divide it amongst their children, and so sub-division might go on in perpetuity. That point seemed to be already disposed of; but he would ask the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) whether the words of the clause sufficiently provided for beneficial interests? A property might be devised to one person in trust for a family or a number of persons in a family. That bequest to one person would come within the terms of the Bill as it stood; but, as a protection to the landlord against subdivision of the interest in the farm, it would be wholly illusory.

Mr. MACNAGHTEN said, it seemed to be assumed that if a man died intestate, there must be more than one relative left to succeed to the property. The tenant might die without a widow, leaving a sole next of kin, an only child, for instance. Why should there be a sale in that case?

Mr. MARUM wished to know whether, if only a partial bequest was made, the estate would lapse into intestacy?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the hon. and learned Member opposite (Mr. Macnaghten) had pointed out a defect in the clause which it would be necessary to correct; but a few words would set it right. With regard to the illustration which had come from the hon. Member opposite (Mr. Biggar) of alleged injury to the tenant's interest, in the case of a farmer who had bought up several holdings and thrown them into one consolidated farm; all he (the Attorney General for Ireland) could say was that, if a man wished to do it, no one could prevent him. It would, however, be easy for such a person to provide for the different members of his family; for, suppose he had a dozen separate tenancies, although he had cultivated them as one farm, they would still remain separate holdings, and he could leave them singly to his children as he chose. Consolidating his several holdings into one large holding at one rent would be a perfectly gratuitous act on his part. Then it was said — "Suppose the farmer dies leaving a large sum of money to several of his children and the tenancy to one." Well, nobody had anything to do with that. There was only one tenant, the tenure was not divided, and the landlord, therefore, had no right to interfere. While the tenancy remained in the hands of one person, whether he was a person farming the land for his own benefit or only as a trustee, no one had a right to interfere.

Dr. COMMINS said, there was a defect in the clause, as had been pointed out by the hon. Member for Carrickfergus (Mr. Greer), for which no remedy had been even suggested. If they looked at the clause, they would see that it divided itself into three parts. The first dealt with a bequest——

The Chairman: I must point out to the hon. Member that we are not discussing any Amendment to the clause, but the omission of its sub-sections.

Mr. HINDE PALMER said, he understood the right hon. and learned Gentleman (Mr. Law) to say that the objection to the clause he had pointed out was provided for; but he should like to know how it was provided for?

The Chairman: We have not come to that part of the clause yet. The question is the omission of the latter part of the clause.

Mr. BIGGAR said, the right hon. and learned Gentleman's (Mr. Law's) contention was very good as to the action that would take place after the Bill passed into law, because the parties who let their land would take care that the holdings were kept separate. But the case was different with regard to holdings that had been let in times past. They knew that many landowners had allowed several holdings to be consolidated into one large farm; and unless these could be broken up Ireland would become more and more depopulated. He wished to see Ireland increase 60 per cent in population; but the effect of this clause would be to bring it down considerably during the next 10 years. There was another matter to be considered, which, again, raised the right of pre-emption by the landlord. The landlord would, in some cases, allow changes to take place; but he would do it, after having levied a fine, in the form of a sum of money, or in the form of increased rent, either of which was particularly objectionable, as it would be giving something to the landlord to which he was not entitled. There was no reason why the landlord should be allowed to have a sum of money for permitting that division of the property which the late tenant had thought most desirable for those who would be left behind him. He had heard no argument from the Government to show why they should stick so firmly to this clause as it stood.

Mr. LALOR understood that the Government intended to accept an Amendment lower down; therefore, he would withdraw his proposal.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. Attorney General for Ireland, the following Amendment made:—In page 3, line 28, after the word "intestate," insert "leaving more than one person entitled under the Statute of Distribution to his personal estate."

MR. LEAMY said, the next Amendment on the Paper stood in his name, and the Government, he thought, assented to it.

Amendment proposed,

In page 3, line 28, after "intestate," insert "and the legatees in case of a will, or his next of kin in cases of intestacy, are unable to agree among themselves that some one person shall succeed deceased as tenant."—(*Mr. Leamy.*)

MR. GIBSON said, no one could have known what line the Government intended to take, except from the gestures of the right hon. and learned Attorney General for Ireland (Mr. Law). The hon. Member (Mr. Leamy) had stated that he understood the Government assented to the Amendment; but he could only have understood that from their gestures. Well, he (Mr. Gibson) should like to know on what ground the Government had accepted the Amendment, or how they could show that it would be any improvement whatever to the existing provisions of the Bill? To his mind, the existing groundwork of the Bill was better than the provision would be if amended as proposed, for the alteration would substantially confuse and delay the ascertainment of the landlord's position. In a case of testacy the landlord had only to read the will, and if he did not like sub-division to take place he could ask for a sale within 12 months. That was clear. The clause did not prevent a joint bequest to two, or three, or four persons; but it gave the landlord the right, if he thought proper, to refuse his assent, and to call for a sale. That was not as difficult a case as one of intestacy. They all knew how people residing in Ireland had relatives residing in England and America and elsewhere, and difficulties in this respect would occur, not one or twice, but hundreds of times. When a tenant died intestate some of his relatives might be in foreign countries, others might be minors, some might be labouring under other disabilities; and what machinery was there provided for the landlord ascertaining whether or not they agreed as to who they should present to the landlord as the future tenant? Because, according to the Amendment, the landlord would not know who was to be his tenant until he had gone into the complicated process of investigating who were the next of kin. The clause, as it stood, contrasted most favourably with the Amendment; and for his own part, he was strongly of opinion, as at present advised, that the Amendment—certainly without large qualifications as to the time when the election of the tenant should be made—would, in the highest degree, disturb the position of the landlord.

MR. LITTON said, the clause, if amended, would read thus—

"Where the tenant of any such tenancy has bequeathed his tenancy to more than one person or dies intestate, and the legatees in case of a will, or his next of kin in cases of intestacy, are unable to agree among themselves that some one person shall succeed deceased as tenant, his personal representatives shall, if the landlord requires a sale to be made, within twelve months after the death of the tenant, sell the tenancy, and in case of their default the landlord may sell the same."

The additional words did not fit in exactly, because a different class was mentioned in them to that referred to in the paragraph. The early part of the section dealt with legatees, and the Amendment ought, therefore, to come in there. He would propose that the hon. Member for Waterford (Mr. Leamy) should bring forward the Amendment as a substantive proposition when they came to the end of the clause.

MR. GORST thought the hon. Member (Mr. Litton) was wrong in saying that the words would not come in here. The Committee was indebted to the right hon. and learned Member for the University of Dublin (Mr. Gibson) for having prevented the hasty adoption of the Amendment, and for having pointed out the difficulty that would be experienced by the landlord in ascertaining the wish of the deceased's relatives. The landlord would be obliged to have some evidence that the legatees or relatives were unable to agree amongst themselves before he could sell; and what evidence did the right hon. and learned Attorney General for Ireland propose should be necessary? There was nothing in the clause as to the kind of evidence the landlord would be entitled to ask for. Was he to be satisfied with verbal evidence? Suppose he was told by one of the executors, or by someone else, that all the legatees had agreed that Pat was to be the tenant. He might accept Pat; but, then, next day, someone might come forward and say—"This is all a mistake; we have not agreed at all." Or one of the legatees, who was supposed to have agreed, might revoke his agreement, or some fresh next-of-kin might turn up; and, in fact, unless there were some safeguards, the matter would be in such a condition that it would be impossible to make out a satisfactory title by which the landlord or anyone else would be able securely to possess himself of the property.

Mr. PLUNKET said, the Amendment simply supposed a case in which the next-of-kin, in cases of intestacy, were unable to agree among themselves, that some one person should be accepted as tenant. There was this inconvenience. It would be perceived that, in the first paragraph, the new tenant who came in, succeeding the testator, was only to be accepted as though the tenancy had been sold to him by the testator. It did not at all follow that this new person would be let in—would be accepted—in the same sense. If the Amendment were accepted at all, it should be rendered much more clear.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that the objections taken by hon. and right hon. and learned Gentlemen opposite could be met in a complementary Amendment to another part of the clause.

Mr. LEAMY said, he did not wish to throw any obstacle in the way of making progress with the Bill; but he did not think there could be any serious objection to accepting the Amendment. The right hon. and learned Gentlemen the Members for the University of Dublin and the hon. and learned Member for Chatham made suggestions which referred to the second portion of the clause, with which they were not now dealing.

Dr. COMMINS supported the Amendment, and pointed out that such words as these would meet the point raised by the hon. and learned Member for County Antrim (Mr. Macnaghten) — namely, where a person died intestate, leaving only one as his next of kin. That was completely out of the section. ["No, no!"] Well, he was not aware of any Amendment that would meet the case.

Mr. COHEN thought that, by using the words "sell or transfer to any one person," the objection of the right hon. and learned Gentleman opposite (Mr. Plunket) would be got over.

Mr. EDWARD CLARKE said, he was unable to see the point that the hon. and learned Member (Mr. Cohen) had raised. The personal representatives of the tenant would not transfer without getting something for the tenancy; but this did not touch the point, so far as the nomination of the person was concerned. Apart from the question whether it was desirable to adopt words to effect the object of the hon. Member who moved the Amendment (Mr. Leamy), the particular form suggested he considered to be objectionable. The acceptance of these words would settle the whole question; whilst their rejection would leave it open for a more practical settlement of the question a little further on.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that, no doubt, the object the hon. Member (Mr. Leamy) had in view was a proper one; but it was very inconvenient to be called upon to frame a clause unexpectedly in this way. What he would suggest was, that the presentation of a single tenant should be made by the personal representatives who had control over the personal estate. If the hon. Member would withdraw his Amendment, he (the Attorney General for Ireland) would, at a later stage, suggest words that would run something like this—

> "That if the personal representatives shall serve notice on the landlord that some one of the legatees or next of kin shall succeed to the tenancy, such person shall have the same claim to be accepted as tenant by the landlord as if the property had been sold to him."

Those words, or something like them, he thought, would carry out the views of all parties.

Amendment, by leave, *withdrawn.*

Mr. GORST wished to know whether it was to be understood that Her Majesty's Government would consider the case mentioned by the hon. and learned Member for Antrim (Mr. Macnaghten)—the case of a person dying intestate and leaving only one relative behind?

Mr. GLADSTONE: Yes.

Mr. GREGORY said, that with regard to the Amendment the Committee had been discussing, he did not concur in the principle, because he believed it would lead to sub-division of the property. It was very difficult to carry on farming for other people, and anyone who had had experience of farming or conducting a commercial undertaking under such circumstances knew how glad one was to get rid of the responsibility. The difficulty where the legatees were numerous and where they were poor would be very great.

Mr. WARTON wished to point out to the Government the great dangers into which they sometimes ran by being too hasty to accede to Amendments.

The CHAIRMAN: I want to ask the Committee to be kind enough to assist me in regard to the Amendments. It is exceedingly difficult, even with the printed Amendments, to keep them in order and prevent them from clashing with one another. But Amendments are being showered on me written in pencil on scraps of paper, so that it is almost impossible for me to judge of their relation to other Notices. Members of the Committee have a perfect right to put in manuscript Amendments; but I must ask them kindly to copy them in ink on sheets of paper of a convenient size—say, at least, the size of a sheet of note paper.

Mr. BRODRICK said, that in the absence of the hon. Baronet the Member for Mid Kent (Sir William Hart Dyke), he wished to move the Amendment standing in the hon. Baronet's name. It was entirely in agreement with the spirit of the clause. After what had just passed—the feelings of so many Members of the Committee having been expressed in favour of avoiding a sale, wherever it was possible—he did not wish to seem to be moving an Amendment in opposition to the general view; but, at the same time, he thought it was a matter of justice, not only to the landlord, but to the tenant, to take this Amendment into consideration. Under the present circumstances of the Bill, there was very great facility for borrowing given to the tenant. No doubt, the tenant would, by his tenant right, have a security on which to borrow money more specifically than ever before, and he would be encouraged in that way to carry out improvements on his land to a considerable extent. That had occurred in the North of Ireland in connection with the Ulster tenant right, and they must expect such things in the future; but he should like to show the Committee that that might be aggravated when each tenant quitted his holding. It had been stated that in the case of a farmer who died intestate, leaving 12 children behind him, the value of the holding would be divided amongst those children, and no one of them would receive more than a 12th part of it. A tenant who did not die intestate might leave his holding to one of his sons, with injunctions to divide the value of the tenant right with the rest of the family. Each of the children would then have a charge on the estate, which would come to a very heavy sum for the man who succeeded to the land to pay. He could not help thinking that those in charge of the Bill would agree with him that in such a case the sale should at once take place, and that the tenant designate should realize without delay what was left to him, rather than attempt to occupy a holding with an insufficient capital, and, after failing, leave his tenancy with debts which he would be unable to pay. He hoped the right hon. Gentleman the Prime Minister would recognize the fact that the Amendment was entirely in keeping with the clause, and would give it his best consideration.

Amendment proposed,

In page 3, line 28, after "intestate," insert "or has bequeathed his tenancy to one person, and such tenancy is subject to charges which in the opinion of the Court are of such amount that the legatee would be unable to hold and properly farm the holding while subject thereto."—(*Mr. Brodrick.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the one person was already provided for; and it must be borne in mind that whatever would be a "reasonable objection" to the acceptance of a purchaser on the part of the landlord would be a "reasonable objection" to the acceptance of the legatee. He saw no reason why they should make an exception to the general provisions of the Bill in this case. Therefore, he could not accept the Amendment.

Mr. BRODRICK said, that after the statement of the right hon. and learned Gentleman, he was content to withdraw his Amendment; but he was bound to say, that as he had never been satisfied with the references to the Court in the

1st clause, he was not satisfied now in this matter.

Amendment, by leave, *withdrawn.*

MR. MARUM said, he had an Amendment to propose to the effect that the personal representatives of the intestate person should act "subject to the discretion of the Court." The object of the Amendment was to control the power of the landlord. There were Amendments on this subject also in the names of the hon. and learned Members for Dundalk (Mr. Charles Russell) and Tyrone (Mr. Litton) on the Paper, and, as he wished to facilitate the proceedings of the Committee, if either of the subsequent Amendments were deemed better than his, he would withdraw it.

Amendment proposed, in page 3, line 29, after "shall," insert "subject to the discretion of the Court."—(*Mr. Marum.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment.

Amendment, by leave, *withdrawn.*

MR. BIGGAR said, the next Amendment standing in his name raised a question which had been discussed some time ago, and on which, he thought, a concession had been made. The principle laid down in the Bill and defended by the Government that, whatever the economical interests might be, no holding should be reduced in size, was preposterous. It was desirable that Ireland should be peopled by a population of working farmers. They objected to the principle of having in Ireland large grazing farms, which gave no employment except to one single herd over a large number of acres. They objected to the system by which a farmer had a large number of labourers, and they desired to see farms of such a moderate size that ambitious and industrious labourers might easily themselves become farmers. If the present system were continued, the result would be that the farms would become larger and larger, and a premium would be given to eviction. Ireland would get into a worse state than ever; there would be a revolt of labourers, and a melancholy condition of things would ensue. He had not heard from the Government any argument against the principle for which he contended, and he therefore thought it his duty to move the Amendment. Whether or not he should divide on it would be influenced, more or less, by the discussion; but he was convinced that the matter was one of great importance, and that his Amendment, or one similar to it, should be agreed to. At least half the holdings in Cavan were of less size than £15 valuation; and if, in times past, that county had been able to keep up and hold her own, he did not see why, by artificial means in the Bill, farmers should be forced to increase the size of their farms and the population of the country should be steadily decreased. The hon. Member for Kilkenny (Mr. Marum), in a former Amendment, had endeavoured to leave the matter with which he dealt "subject to the discretion of the Court;" but he (Mr. Biggar) did not see any necessity for that in this case. The arrangements should rest with the parties who had to do with the property. The Amendment would not interfere with the security of the landlord in the matter of his rent. The tenant would simply leave his interest in the holding to his children, as he thought best.

Amendment proposed,

In page 3, line 29, after the word "shall," to insert the words "if either of the shares of a less yearly value of fifteen pounds and."—(*Mr. Biggar.*)

Question proposed, "That those words be there inserted."

MR. WARTON: I rise to Order. I submit that these words really require some little revision. As they stand they are nonsense. I take it that they should stand—"if either of the shares be of a less yearly value of fifteen pounds and."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment, which was simply another form of an earlier proposal.

MR. A. MOORE said, the question could be raised later on.

MR. BIGGAR said, that the Government had given no reply to his contention; therefore, he thought he should have to ask for a division.

Question put.

The Committee *divided:*—Ayes 22; Noes 329: Majority 307.—(Div. List, No. 256.)

Mr. PLUNKET moved, to add, at end of line 30, the words—

"To some one person who shall have the same claim to be accepted as tenant of the landlord as if the tenancy had been sold to him by the testator or intestate."

It did not appear from the paragraph that the landlord was to have the same rights as to acceptance or otherwise as the tenant. He therefore proposed to insert the Amendment.

Amendment proposed,

In page 3, at end of line 30, to add the words "to some one person who shall have the same claim to be accepted as tenant of the landlord as if the tenancy had been sold to him by the testator or intestate."—(*Mr. Plunket.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that, having regard to what happened a little time since, he hoped his right hon. and learned Friend would not press this Amendment, because he (the Attorney General for Ireland) had stated that he would put in words that were almost identical with these; but he could not put them in here. If his right hon. and learned Friend would accept his assurance that this point should be attended to, he would repeat his promise to deal with the point in the way desired.

Mr. PLUNKET: Of course, I accept the assurance of the right hon. and learned Gentleman.

Amendment, by leave, *withdrawn.*

Mr. LEAMY moved, as an Amendment, to insert in page 3, line 30, after "tenancy," the words "for the best price he can obtain." His object, he said, was to ensure that in case of compulsory sale the tenant should obtain the highest possible price. There was a difference between sales effected under this section and those made under other parts of the Bill; because, under the 1st section, the sale was the voluntary action of the tenant; but in the particular cases that came under this section, it would be in the power of the landlord to compel the tenant to sell the holding. It might happen, and would often happen, that the purchase money would be all that could be divided among the children. It was therefore desirable that the highest possible price should be obtained for the holding.

Amendment proposed,

In page 3, line 30, after "tenancy," to insert the words "for the best price he can obtain."—(*Mr. Leamy.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, it would be the duty of the Court to see that the highest price was obtained, so that the Amendment was not necessary.

Mr. LEAMY: That being so, I ask leave to withdraw the Amendment.

Amendment, by leave, *withdrawn.*

On the Motion of Mr. Litton, Amendment made, in page 3, line 31, at end, after "same," insert the words "under the direction of the Court."

Mr. WARTON proposed an Amendment which, he said, would take the shape of a new paragraph, between paragraphs 2 and 3 of the clause, and it was for the purpose of calling the attention of the right hon. and learned Attorney General for Ireland to the distinction between the position of the landlord under sub-section 1 and his position under sub-section 2. It was provided for by the Amendment that the landlord should have the same right of pre-emption as he had under the 1st sub-section of the Bill. He moved, to add to line 31, the words "the landlord shall have the same right of pre-emption."

Amendment proposed,

In page 3, at end of line 31, to add the words "the landlord shall have the same right of pre-emption."—(*Mr. Warton.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he could not assent to the Amendment. He had just expressed an opinion that it ought not to be made.

Amendment, by leave, *withdrawn.*

Mr. HEALY moved an Amendment providing for paying over the produce of such sale to such personal representatives.

Amendment proposed,

In page 3, line 31, at end, to add the words "paying over the produce of such sale to such personal representatives."—(*Mr. Healy.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law): That has been provided for already.

Amendment, by leave, *withdrawn.*

Mr. BIGGAR moved, as an Amendment, that lines 32 and 33 be left out. The lines were—

"Where the tenant of a tenancy dies intestate and without next of kin, such tenancy shall pass to the landlord."

These lines, he said, proposed to make a change in the existing law in that regard, and it seemed to him much more reasonable to omit the Proviso.

Amendment proposed, in page 3, "Leave out lines 32 and 33."—(*Mr. Biggar.*)

Mr. CHARLES RUSSELL said, the hon. Member for Cavan (Mr. Biggar) appeared in a new character in proposing this Amendment as a supporter of the rights of the Crown—[*A laugh*]—because the proposal in those two lines was a lessening of the power of the Crown. He would suggest to his right hon. and learned Friend the Attorney General for Ireland that there seemed to be an omission in the clause, in that it made no provision for the debts and liabilities of the deceased tenant.

Mr. GORST said, the Amendment of the hon. Member for Cavan (Mr. Biggar) would show why the Government had put these two lines in the Bill. He should listen with great curiosity for the reason the Government might give for placing them there. The only reason he could give was that it showed the belief of the Government, in the bottom of their hearts, that this property did after all belong to the landlords, and that they were giving to the tenants what was not really the tenants' property, but was the landlords' property. That cropped out in these two lines. If this were the tenant's property it ought to revert to the Crown. What reason was there that the Government should give this property to the landlord? Because they believed in the bottom of their hearts that it was the landlord's property. Though they stripped the landlord of what they knew to be his property for the benefit of the tenant, they would not go so far as to give the property of the landlord to the Crown.

Mr. GLADSTONE said, the hon. and learned Gentleman (Mr. Gorst) would permit him to enter a general protest and caveat against this and all theories which he might hereafter promulgate. The history of the matter was not difficult to tell. The question was considered whether in these cases property should go to the Crown or should go to the landlord as the ultimate proprietor of incidents arising in respect to what attached to the soil, and it was on purely dry legal ground that the question was determined. He would, however, have no objection to bring in the word "Crown" if these lines were struck out.

Sir JOSEPH M'KENNA submitted that the question was one as to the equitable distribution of money arising not from real property, but on the disposal of the interest of the intestate in his tenancy. The question which his hon. Friend (Mr. Biggar) raised was whether the tenant's interest was to be viewed as subject to his debts, irrespective of whether the residue was the property of the Crown or of the landlord. He wished to make this clear to the House. The words as they stood appeared to him to leave it questionable whether, on a claim raised by creditors to the property of a deceased man, the right to sell or appropriate the tenant's interest lay with the Crown or with the landlord under the clause now before them.

Lord RANDOLPH CHURCHILL remarked, that he did not think the Prime Minister was serious. His hon. and learned Friend (Mr. Gorst) merely wished to get the grounds on which the Government gave the property to the landlord. He did not wish to assert that it should not be done. He could not imagine, after the statement that the matter had been carefully considered by the Government, and that they had taken the highest legal opinion—namely, that of the Lord Chancellor—that the Prime Minister would be prepared really more out of pique than anything else to transfer this property from the landlord to the Crown.

Captain AYLMER observed, that when he first saw this clause in the Bill, he tried to find out the reason for it; but only when the Prime Minister spoke did he discover it. He did think the two lines were quite consistent and that they ought to be retained, on the ground that the Crown could not become the occupier, and that the right of occupancy must cease when the tenant had no next of kin, and for that reason alone.

Lord EDMOND FITZMAURICE hoped there would be no long discussion on the Amendment. The lines in question contained a principle analogous to that of the English copyhold.

DR. COMMINS said, the object of the section was to provide that where the tenant died intestate, the tenancy should pass to the landlord; but it would be necessary that the creditors should be protected. It would be the right of any creditor whatever to take out administration of the personal effects of an intestate; but everybody knew that the personal representative would have to account to the widow for the third part of the property after payment of all debts. He thought that these two lines in the clause were entirely unnecessary.

MR. GIBSON said, the matter would be settled at once if the Prime Minister would say that he was prepared to stand by the words in the Bill.

MR. BIGGAR said, he had not heard a single argument in favour of the retention of these two lines, and he understood the Prime Minister to say that he was prepared to give them up. ["No, no!"] He might have misunderstood the right hon. Gentleman, but it seemed to him that the Prime Minister said he would not stand by these lines. If he (Mr. Biggar) had any cause for complaint, it was that the right hon. and learned Attorney General for Ireland (Mr. Law), speaking across the Table, in reply to the right hon. and learned Gentleman the late Attorney General for Ireland, should make observations in an undertone which did not reach the body of the House. He should certainly feel inclined, under the circumstances, to go to a division.

MR. HEALY said, he would appeal to his hon. Friend (Mr. Biggar) not to divide. His hon. Friend had already satisfied his conscience with one division, and it was not necessary to take another.

Amendment *negatived.*

MR. M'COAN moved, in line 33, after "tenancy," to insert "after payment of the debts, if any, of the deceased up to its market value." He said that the hon. Member for Cavan (Mr. Biggar), with his usual clearness of reasoning, had stated the arguments in support of the Amendment, so that all that was left for him to do was to move it.

Amendment proposed,

In page 3, line 33, after "tenancy," insert "after payment of the debts, if any, of the deceased up to its market value."—(*Mr. M'Coan.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) pointed out that there was a later Amendment which covered a larger ground.

Amendment, by leave, *withdrawn.*

MR. CHARLES RUSSELL moved, in page 3, line 33, at end of Clause, to add "subject to the debts of such intestate."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would accept the Amendment with the addition of the words—

"And to the satisfaction of the claims which the widow, if any, of such deceased tenant has upon his personal estate."

MR. M'COAN expressed his approval of the words suggested by the right hon. and learned Attorney General for Ireland.

MR. CHARLES RUSSELL said, that as it was a mere question of words, he was quite willing to accept the words of the right hon. and learned Gentleman.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to amend the clause by adding the words—

"Subject, however, to any debts due by the deceased tenant, and to the satisfaction of the claims which the widow, if any, of such deceased tenant has upon his personal estate."

Amendment proposed,

In page 3, line 33, at the end of the Clause to add "Subject, however, to any debts due by the deceased tenants, and to the satisfaction of the claims which the widow, if any, of such deceased tenant has upon his personal estate."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

CAPTAIN AYLMER wished to call the attention of the right hon. and learned Attorney General for Ireland to the fact that the good-will and tenant right of the deceased might only be worth £200; while the debts might amount to a good deal more, and might make the landlord liable for a heavy responsibility.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the words in the clause would meet that point.

Question put, and *agreed to;* words *inserted* accordingly.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

MR. WARTON (who rose amid cries of "Oh!") said, that he did not know why he should be received with a groan. He thought the clause ought to be recast altogether, in order to give the landlord the power of objection.

Question put, and *agreed to.*

Clause *ordered* to stand part of the Bill.

Clause 3 (Increase of rent to attract statutory conditions or enhance price on sale).

MR. GLADSTONE: There are two points in particular upon which I wish to say a few words with the view of simplifying the proceedings of the Committee. This clause, as it now stands, speaks of a certain settlement of a fair rent on a certain contingency upon the application of the tenant; but it is perfectly plain to our minds that the landlord, even under the clause as it now stands, would, without being named, be able to move the Court on the subject. But, whether that is so or not, I have not the least objection to insert the word "landlord," so as to make it plain that the application may be on the part of the landlord or of the tenant. I do not believe that there would be a change of substance, but there would be no objection on my part to a change of terms. The word "landlord" could be inserted in the 2nd sub-section at line 8. I wish also to make an observation on the subject of the sub-section. The sub-section is certainly not adapted to the case of present tenancies. Under the sub-section this might happen—that the tenant wishing to quit a holding upon an increase of rent, beyond a fair rent, the Court would be called upon, on the application of one of the parties, to determine a fair rent and the amount payable by the landlord in respect of his having demanded more than the fair rent, and thereby caused the departure of the tenant. After that fair rent had been so fixed, and after the landlord having taken over the increase of rent beyond a fair rent, the tenant, in a present tenancy, might accept the tenancy and subsequently apply through the Court to fix a fair rent. That, of course, was never the intention of the clause, and I would venture to propose that the sub-section should be confined to future tenancies. That objection, then, would not apply, because the tenant would have no power to apply to the Court to fix the fair rent. I shall propose to introduce Amendments to that effect by introducing the word "landlord" before "tenant," and to provide that the sub-section should be limited to the case of future tenancies. There are other Amendments which are contemplated in the clause, and which may be proposed, with respect to which I am not at all certain whether those who intend to propose them have considered the full scope and effect to which they may go. Some of the proposals appear to me to have the effect of destroying the distinction between present and future tenancies altogether. I wish particularly to call the attention of the Committee to this point in order that Amendments of that kind may not be proposed unless they are proposed distinctly with that view, because it is a matter that touches very extensively all the general structure of the Bill. Perhaps I may be permitted to remind the Committee of the description I endeavoured to give of the view which the Government had formed of the Bill in respect of the distinction between present and future tenancies. While we recognize the necessity of introducing the action of the Court as a remedial action for the present state of things in Ireland, we sought anxiously to avoid the means of constituting a state of law in Ireland under which the action of the Court should be in all cases, and at all times, the only expedient provided for the settlement of disputes between landlord and tenant. We have endeavoured to provide for that in two ways. First of all, as to existing tenancies, while we give the full right of going to the Court we provide such terms of tenancy that the tenant might be content to avoid going to the Court altogether. But, besides that, we provide for the circumstances under which present tenancies should become future tenancies, and for giving them, as future tenancies, certain defences as to the increase of rent that might serve to secure the good relations between the landlord and tenant without an application to the Court. If the view of the House should be that the distinction between future and present tenancies ought not to be maintained—I do not say anything on this subject at present, although I know there is a good deal to be said upon it, nor do I intend to commit the House upon it; but, no doubt, if that were the object it might considerably simplify the structure of the Bill. But we have regard, in the first place, to the interests of the landlord in having a fair claim upon us to limit the intervention of the Court to the necessities of the case; and, in the second place, to regulate all these relations by free contract between the parties, as far as it can be done. But any Amendment proposing to dispose of questions as to the increase of rent, simply by the intervention of the Court and by no other means, of course, will have the effect of establishing the Court as the universal regulator of these transactions throughout all Ireland in all holdings within the Bill from the present moment, and in all holdings for all future time. This is a matter of very great importance, and I should be very unwilling that the question should be raised incidentally and without, perhaps, perceiving what the effect of particular Amendments may be. My special object at the present moment is to present the clause to the Committee with the alterations I propose to make. I thought it would greatly assist hon. Members in taking a fair view of the clause if I mentioned these two points and these two objections—namely, the insertion of the name of the landlord in the 2nd sub-section, and the exclusion from the sub-section of all present tenancies. It will likewise be my duty to make some change in the phraseology of the section.

THE CHAIRMAN: I must point out to the Committee that, although sometimes by the indulgence of the Committee a Minister of the Crown in charge of a Bill is permitted to make some explanations when the clause is called, it would be irregular to enter into any general discussion, and I must proceed now according to the Amendments upon the Paper. I have to call upon Lord Edmond Fitzmaurice.

LORD RANDOLPH CHURCHILL said, that, as a matter of form, he would move "That the Chairman do now leave the Chair," in order that he might be able to ask the Prime Minister to state in what way he proposed to confine the 2nd sub-section to future tenancies?

MR. GLADSTONE: By inserting certain words.

LORD RANDOLPH CHURCHILL asked, further, if the right hon. Gentleman would say to what particular Amendments he alluded, when he spoke of the question of future tenancies? It was somewhat inconvenient, he (Lord Randolph Churchill) thought, to take them at the last moment, and then suddenly spring these changes upon the Committee. He did not quite understand why these disclosures should have been kept over until the last moment, instead of having been announced many days ago.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Lord Randolph Churchill.*)

MR. GLADSTONE: I have nothing to add to what I have already stated, and the matter will be quite open to discussion at the proper moment. I propose to insert the word "landlord" in sub-section 2 of this clause; but that is clearly not a change in substance, because it is quite plain to me, that under the sub-section as it stands, the landlord can go to the Court already. As to the general question, whether when the Government intends inserting any Amendment in the Bill they should give Notice of it, that would depend on many considerations that may arise in the progress of so complex a measure. I shall endeavour to ascertain the state of opinion during the progress of the discussion. But I may take this opportunity of saying, and I think it will meet the views of the noble Lord, that, as he has invited me to give an opinion, I may speak of the general intentions of the Government. I stated the case, as fairly as I could, at an early stage of the Bill. I stated what the motives were that led us to frame the Bill as we did frame it—namely, that we had a certain amount of apprehension, lest in the hands of certain landlords the Court might become an undue instrument for acting on the mind of the tenant in derogation of his just rights. I am bound to say that I do not believe that consideration appears to weigh with many Members of the Committee as much as it does with us. Certainly, there can be no objection on other grounds. *Primâ facie*, it is evident that the landlord should have the power of going to the Court upon the right of demanding an increased rent. But I must say that, entertaining that opinion, and weighing it as well as I can with Amendments, which are not in themselves unreasonable, we shall be prepared, when the time comes, to give way to the feeling of the Committee and allow the landlord the right that is asked on his behalf. But that, of course, although a serious part of the question, will not come on until the subsequent clause. In making that announcement I have only mentioned it as an indication that we shall be propared to meet any reasonable wish that may be expressed in the matter. It is our desire to meet the views of the Committee, and to do everything that can be done without interfering with the main objects of the Bill. The changes I propose to make in the sub-section are really summed up in the statement I have made.

Mr. GIBSON said, he did not intend to criticize one word of the statement which had fallen from the Prime Minister; but he believed it would be of immense consequence to the Committee if the Government would put on Paper their Amendments before the Committee were called upon to deal with them. It was quite obvious that the statement made by the Prime Minister would have a large influence on the Amendments that were likely to be discussed. He had simply risen to express a hope that, on future occasions, the Government would endeavour to present the Amendments they were likely to propose, at the Sitting previous to the one at which they were to be brought forward.

Captain AYLMER wished to point out to the Prime Minister that it would make the Bill more acceptable, if the Government would give the landlord the right of going to the Court before he fixed the rent instead of after.

Mr. GLADSTONE: I am afraid that the hon. and gallant Member scarcely sees the scope of his own proposal.

Captain AYLMER said, he had intended to ask the right hon. Gentleman when he would be able to give an opportunity for discussing that point?

Lord RANDOLPH CHURCHILL thought it was not necessary to carry the discussion further, and would, therefore, with the leave of the Committee, withdraw the Motion.

Sir GEORGE CAMPBELL wished to know whether the right hon. Gentleman the Prime Minister intended to confine the rights of the tenant, when the landlord asked too much rent, to 10 times the excess over a fair rent, to future tenancies, or whether it was to extend to present tenancies?

Dr. COMMINS asked the Prime Minister whether he proposed to make the access to the Court, both by the landlord and tenant equal; whenever a landlord had access to the Court, would the same access be given to the tenant?

Sir STAFFORD NORTHCOTE: Before the Motion is withdrawn, I wish to express, on the part of many who sit near me, a feeling that it would be of great assistance if we could see these Amendments on the Paper and be able to consider their effect and bearing on the clause, before we are called on to discuss the clause. Of course, I do not wish to interrupt the progress of the Bill; but whether that would be best done by postponing the clause, or reporting Progress, I submit would be a matter for the consideration of the Government. We are anxious to take that course which would be of the least dilatory character; but it is only reasonable and fair that we should have time to consider the Amendments before we are called upon to discuss the clause.

Mr. GLADSTONE: Ample time will be given; and, in the meantime, I think the discussion might be proceeded with.

Mr. W. CARTWRIGHT said, that, as he happened to have almost the first Amendment upon the clause, he wished to ask a question to see whether he had correctly understood the Prime Minister. Did the right hon. Gentleman suggest the propriety of postponing the questions which were involved in his Amendment until a later part of the Bill, and would the sub-section which his Amendment practically proposed to excise be amended so that it would only apply to future tenancies?

Mr. GLADSTONE: Undoubtedly, it is intended to confine the application to future tenants—not to raise the question of fair rents generally, but only where it is raised incidentally.

MR. WARTON remarked, that as they had now only an hour and a-quarter during which they could go on with the consideration of the Bill, he would submit that that loss would be as nothing compared with the gain of securing the orderly and decorous management of the Bill. It was not right that the Prime Minister should make these announcements of additional Amendments, and that he should tell the Committee that he was going to make very important alterations, after giving three or four explanations which most hon. Members had been unable to understand. That was not at all the way to make things clear; the way to make things clear was to give the Committee time to consider the Amendments by putting them on the Paper. He earnestly hoped that further progress would not be attempted with the Bill now, but that the Motion of the noble Lord (Lord Randolph Churchill) would be pressed. What was the loss of an hour and a-quarter compared with teaching the Government that Members would not put up with this sort of thing, and that they were not going to have Amendments shadowed forth in this way, of which, perhaps, not one single line had already been prepared? The Government had already had a year to prepare their Bill; but they had allowed four months of murder and outrage to disfigure Ireland. He should be sorry if the noble Lord withdrew the Amendment.

MR. PARNELL wished to say, before the Motion was withdrawn, that he thought the announcement the Prime Minister had made with reference to his intention of permitting the landlord to enter the Court was distinctly prejudicial to the tenant and in favour of the landlord; and he looked upon it as the second concession announced that day to this Conservative obstruction or opposition to the Bill. Many of them had foreseen all along that this kind of concession would be made to a powerful opposition, carried on by great numbers, to a measure of this complicated character; and that was one of the principal reasons why he had forborne, on the second reading, from making himself responsible for the results of the measure, so far as giving satisfaction to the Irish people was concerned. He feared very much that the concessions which had been announced that day were simply a prelude to further concessions; and that, instead of its being possible for them to make the Bill better in Committee, the result would be that it would emerge from the Committee decidedly worse as far as the interests of the tenant were concerned. He wished to remind the Committee that this Bill was brought forward with the intention of undoing some of the prejudicial legislation which had been enacted by that House in favour of the Irish landlords from the Union down to 1870. But the concessions to which the Prime Minister was yielding led him (Mr. Parnell) to suppose that, in reality, it was to be turned into a Bill for the benefit of the Irish landlords. Up to the present time, rent-raising in Ireland had been to a certain extent odious, and many landlords had undoubtedly refrained from raising their rents, and had allowed them to remain at what the Court that was to be constituted by this Bill would probably find to be a fair rent. But by inviting the landlords, in the words now suggested by the Prime Minister, to enter the Court, they would give a general sanction to rent-raising, and many absentee landlords, whose rentals were undoubtedly low, and who had allowed them to remain low on account of the feeling which existed in Ireland against rent-raising, and the odium which attached to such a course, would feel themselves encouraged to come into Court and say to the tenant—"Here is a Bill brought forward by the Prime Minister, who is your great champion. I will give you the full benefit of the Act, but nothing more. The relations that have existed between us up to the present time, prompted to a certain extent by your defenceless state, must now cease. Being now in a position of equality, I will allow you to have the full benefit of the law, but nothing more." The situation of Ireland was of a three-fold character. First, there were landlords whose rents were considerably above the general rent that would probably be fixed by the Court; secondly, there were landlords whose rents were on a par with the general rents to be fixed by the Court; and, thirdly, there were landlords whose rents were below the general rents to be fixed by the operation of the Court. Thus it happened that the only class of tenants who were to be benefited by the Bill were those who were so much rack-rented that it was obvious to everybody at first sight that their rents must be reduced. In the case of tenants whose rents were below what was considered a fair rent, the landlords would feel encouraged to come forward and exercise their full rights; and he believed the result of the working of the Act would be that instead of the total rent-roll of Irish landlords being lessened they would have it considerably increased. Certainly, he did not believe that a penny would be taken off the total rental of the Irish estates. On the contrary, their rental was likely to be greatly augmented now that the landlords, under the patronage of the Committee, were to be able to get into Court, even without the necessity of serving a notice upon their tenants. He maintained that absentee landlords, who never saw their property, had no claim to go into Court; and, having allowed their rents to remain at a certain sum for a number of years, they would have no right to come in now and increase the value of their property. Such men ought to get no advantage from the Bill, which was introduced for the benefit of the Irish tenants, and not of the landlords. He was strongly of opinion that the interests of the tenants would undoubtedly be imperilled by the operation of the Bill.

Mr. MITCHELL HENRY wished to point out to the hon. Gentleman who had just spoken (Mr. Parnell), that if any concessions were made which were against the interests of the tenant he (Mr. Parnell) was himself responsible for them, for the hon. Member for the City of Cork had said that however much in favour of the tenant the provisions of the Bill brought in by the Government might be, they would meet, and had met, with his opposition. It was only now, when the Government had found it impossible to secure the support of those who claimed to be exclusively the champions of the Irish tenant, that they had been obliged to modify the course they originally proposed to take. In regard to the general question, it was notorious that what had been universally asked by the tenants of Ireland was that a Court should be instituted to settle the rent between the landlord and tenant, and he had never heard until that moment that the tenant objected to the landlord having the same access to the Court that he had himself. Fair play had hitherto been uppermost in the minds of the Irish tenants. They had said—"We desire to pay a fair rent. If we cannot agree upon it let the landlord refer it to arbitration, and, of course, let us have the same privilege." [*Cries of* "Question!"] Who said "Question?" In regard to the last point mentioned by the hon. Member for the City of Cork—the case of absentee landlords—he agreed that it stood in a totally different position to that of resident landlords; but how had the resident landlords been met? They had been met by the hon. Gentleman by a crusade against them, and by a declaration that it was the desire of himself and his Party to sweep them from the land. How then could the hon. Gentleman expect, in human nature, that if he told the Irish landlords that it was his object, in the course of a few years, if he could not attain it at the present moment, to deprive them of their property and drive them out of the land—how could he expect many of them to continue to exercise forbearance in the matter of rent? He (Mr. Mitchell Henry) believed they would exercise that forbearance, because they knew that when once these questions were settled the good instincts of the Irish people would again assert themselves, and that the principles of law and order, and of reasonable good feeling between landlord and tenant would be restored. At the same time, he hoped the Prime Minister would consider the case of the absentee landlords, because they were one of the greatest curses of the country. A landlord had no business to possess a large tract of land and absent himself from the personal discharge of the duties which its possession involved. [*Cries of* "Question!"]

The CHAIRMAN: I must remind the hon. Gentleman that although where there is a Motion before the Committee that the Chairman should leave the Chair, considerable latitude of discussion is allowed, he is not entitled to refer to a later part of the Bill, but only to that part which is actually before the Committee.

Mr. MITCHELL HENRY accepted the ruling of the Chair. He had only referred to absentee landlords because the hon. Member for the City of Cork had referred to them, and he thought that he had already said enough.

Mr. GLADSTONE: I really would make an appeal to hon. Members not to impede the consideration of the clause which the Committee has now reached. The noble Lord opposite (Lord Randolph Churchill) made a Motion for the limited purpose of putting a Question, and not an unreasonable one, as to the course to be pursued in the future conduct of the Bill, when we approach the subject of the Court—namely, whether we propose to give to the landlord as well as to the tenant, in the case of a difference of opinion, the power of carrying the matter into Court? And upon that simple question a debate has been forced on—first, on that particular point, and now upon the Bill at large. I must most strongly protest against such a waste of time.

Mr. WARTON said, the discussion had been brought on solely in consequence of the Premier making a sudden announcement of changes of which Notice had not been given.

Motion, by leave, *withdrawn.*

Mr. HEALY moved, as an Amendment, in page 3, line 35, to strike out the words "a present tenancy," in order to insert the words "any tenancy." The Amendment abolished the distinction between present and future tenancies, and he proposed it with a full knowledge of the effect it would have. The Prime Minister had himself stated that it was desirable to create future tenancies; and a hope had been expressed that in the future a state of things would arise in Ireland in which the landlord and tenant would be able to agree in common, and, like the wolf and the lamb, lie down together, without the intervention of the Court. But he himself was not one of those who believed that the landlords in future would be less rapacious than they had been in the past; and it was because he was of opinion that they would not exercise in any diminished degree the power which they, unfortunately, possessed, that he proposed the Amendment. If, as the Prime Minister thought, it should hereafter prove to be true that freedom of contract would be possible, it would not be difficult to bring in a Bill to repeal this provision. [*Laughter.*] The Prime Minister smiled at that suggestion; but he (Mr. Healy) believed it would be perfectly possible. He believed that the Bill as it stood was about to commit a wrong for the sake of a theory which existed only in the inner consciousness of the Prime Minister. He did not believe that the state of things predicted by the right hon. Gentleman would really arise. He would not leave it in the power of the landlords and their agents and bailiffs, supported by the police, and surrounded by the military, to make a *tabula rasa.* Only last year, the Chief Secretary to the Lord Lieutenant appealed to the landlords not to exercise their full rights, or to deal too stringently with their tenants. But in the great majority of instances the landlords disregarded that appeal; and the Bill now proposed to reward the very men who had disregarded it. That was another reason why he proposed the Amendment. A further reason was that, if the Bill were passed in its present form, no matter how long the tenancy might continue, it would always be a future tenancy. After the Bill had passed, a landlord, within six months afterwards, would be able to clear all his estates, and the tenants would practically be able to get none of the benefits of the Act, because they would become future tenants, and all the evils that existed now, instead of being removed, would be accumulated. He therefore asked the Government to give the Bill something of a retrospective character by making a declaration as to arrears of rent, in which case he would not press the Amendment.

Amendment proposed,

In page 3, line 35, to leave out the words "a present," in order to insert the word "any,"—(*Mr. Healy,*)

—instead thereof.

Question proposed, "That the words 'a present' stand part of the Clause."

Mr. GLADSTONE: The hon. Member intimates that he is willing to withdraw the Amendment provided we make a declaration on the subject of arrears, and the retrospective operation of the Bill. I am at a loss to see the remotest connection between the two subjects. I can quite understand the proposal of the hon. Member to abolish the distinction between present and future tenancies; but I take it that that subject has no connection with the question of arrears. It may have to be raised on a separate question; but it is not capable of being discussed on the present Amendment.

The hon. Gentleman seems to think that under the Bill what are called "future tenants" will take no benefit at all. [Mr. HEALY: I said "less benefit."] I thought the hon. Member said they would take no benefit at all. They do not take the benefit of going into Court; but in respect of the other provisions of the Bill I cannot admit that they have no bearing on such a question as the increase of rent. The adoption of the Amendment would entirely alter the structure of the clause. If the hon. Gentleman wishes on this Amendment to raise the question of the distinction of tenancies, I have no objection to his doing so; but I doubt whether he will be able to do that to any purpose merely upon an Amendment on an imaginary point. I feel bound to object to the Amendment because, as the Bill has been framed, we have drawn a distinction between present and future tenancies, and we propose to maintain that distinction. Future tenants will enjoy every benefit by the Act except the right of applying to the Court.

MR. HEALY wished to point out how the question of arrears came in. At the present moment, owing to bad seasons, the whole of the tenants were under notice to quit, and by this Bill they would all become future tenants. But if the question of arrears was dealt with, they would naturally come in as present and not as future tenants. If the Bill stood as it did now, it would come into operation before these men could have paid the arrears.

MR. W. E. FORSTER: I do not wish to anticipate the discussion upon the question of arrears; but I must remind the hon. Gentleman that it is not correct to suppose that all those who may be under notice to quit at this moment will necessarily lose their position as present tenants, because, by the 13th and 48th clauses, until six months have expired, they will have the power of applying to the Court to fix the judicial rent.

MR. PARNELL looked upon the Amendment of his hon. Friend the Member for Wexford (Mr. Healy) as a very important one. It would save the rights of the existing tenants and of those tenants who might be evicted and their tenancy destroyed by the act of eviction. It would also apply to tenants whose tenancies were sold by the landlord for arrears of rent, but who were afterwards able to redeem their holdings. Surely the Government might introduce words which would prevent forfeiture in the case of tenants who were absolutely unable to pay their rents, who would be liable to eviction, and who would be unable to redeem their holdings through not having the money to do so. If any action was to be taken with regard to such tenants, it would be necessary to insert some modification as to the difference between present and future tenants.

MR. BIGGAR said, it seemed to him that the Government did not intend this Bill to be more than a temporary measure. They seemed to expect that at the next General Election this question would be one of the cries in the North of Ireland. Suppose a future tenant had got possession of a holding, and from any cause the landlord insisted on more than a fair rent, was the landlord to have the power to rack-rent, his tenant as the landlords in the past had done? It was not pretended that the Court should fix a very low rent, but only a fair rent. The Bill was really not worth fighting for; but it was only fair to propose this Amendment.

MR. SHAW said, if the question were as to the existence of the Bill and future tenancies, and there was any prospect of suceeding, he would vote for the Amendment. This was one of the great principles of the Bill; but it would be impossible for the Committee to expect the Government, on an Amendment such as this, to upset the whole structure of the Bill. There was, therefore, no object in the present Amendment. The Government seemed to think that the system of free sale was an advantage to be aimed at; but that would be impossible, and year after year tenancies in every district in Ireland would be dropped into the Bill. He did not suppose there was anything in the Bill to prevent a landlord and tenant from adopting the course of going to the Court in regard to any future tenancy, nor did he know that there was anything in the Bill to take them to the Court by agreement to fix a just rent. He believed that in the future every landlord would come under the Bill if he could, especially under the clause for procuring fixed rents. The evidence given before the Bessborough Commission showed that the landlords and the tenants desired a

Court to settle disputes which arose every day; and if that was not provided for he thought it should be, so that both landlords and tenants might go to the Court.

Mr. MITCHELL HENRY observed, that the Government had indicated their willingness to consider this point—whether there should be a permanent institution or not for settling disputes, on the Amendment of the hon. Member for Wexford—and said, he did not think anything would be gained by prematurely closing the discussion; for a discussion raised in this way very often gathered together the opinion of the House and greatly influenced the Government. If the Amendment was now passed over, the point would have to be raised again. The idea that it would be possible to go back in Ireland to the English system of free contract was a chimera. Neither had he seen anywhere that the landlords in Ireland would wish that a time should come when the Court would be done away with. The general evidence given before the Land Commissions was that the landlords were willing to accept a Court to settle disputes between landlords and tenants. He wished to ask the Prime Minister why he insisted on continuing the distinction between present and future tenants? Why should he, in a matter which was so exceptional to the country for which the House was legislating, cherish the hope of going back to a state of things which might be applicable, but as to which everything else would be different in Ireland? In Ireland the relations between landlord and tenant were influenced not only by the considerations in this Bill, but by matters of religion and feeling, in such a way that it would never be possible to do away with the Court when once it had been established. They should once for all establish this Court, make it an institution racy of the soil, and settle the question for ever. He hoped the discussion would be continued, for time was not wasted in ventilating the question. They might pass it over now; but they would have to revert to it by-and-bye.

Mr. LEAMY pointed out that every tenant now holding a lease would, on the expiry of the lease, be a future tenant. This clause provided that a future tenant should have power to apply to the Court to have a fair rent fixed; but then, and any time after the commencement of the future tenancy—that was, after the expiry of the lease—the landlord could propose to increase the rent. That would be a strong inducement to the landlord, as soon as a lease expired, to rack-rent the tenant, and to exact the highest rent he could. He therefore considered the clause, as it stood, a very injurious clause.

Mr. MARUM said, that there could be no doubt that the Irish people did not desire a distinction between present and future tenants, and that the Irish Hierarchy had expressed their views in the same direction. The distinction would be one of the strongest elements against the Bill, and it ought to be aboliched.

Mr. GIVAN said, he wished, before the discussion closed, to express the opinion of the people of the North of Ireland upon this question. The feeling there was precisely the same as in the South of Ireland, and there had not been a meeting in the North, either of ecclesiastics or laymen, to consider the Bill, at which the distinction between present and future tenants had not been condemned as an evil genius running all through the Bill. If the Bill passed as it was, a large number of future tenancies would be created by evictions for arrears and in other ways, and a bad feeling would arise through the inability of the future tenants to have recourse to the Court. He hoped the Government would see their way to dealing with the matter in a manner that would remove the evil feeling which was being created throughout Ireland.

Mr. CHARLES RUSSELL understood that the idea of the Government in drawing this distinction was this:—In regard to existing tenancies there was a condition of things which called for the intervention of an independent tribunal between the tenant and the landlord; but he presumed they founded the distinction between existing and future tenancies, on the argument that future tenants would be in a position of independence and freedom of contract in which the present tenants were not. But he thought that a fallacious argument; for the moment the Bill came into operation it drew a sharp distinction, and, within a few months, from forfeiture under the Act or from the expiry of leases, fresh tenancies would exist. And on one side of the hedge there would be tenants who had the right to go to the Court for protection; but, on the other side, tenants of the same class, and under practically the same conditions, except as to their tenancy being a year older, or even a day older, who had not that right. The contrast between the two states of things would soon become intolerable, and the Bill would only sow the seeds of future difficulty if the distinction were not abolished. Further, also, this clause would exclude all those tenants who had been or might be evicted, but who, although unable fully to redeem, yet might be able to make new terms, and create a fresh tenancy. Such a tenant would be a future tenant, and would not come within the Act. This touched the fringe of a big question—the condition of leaseholders. There were many cases in which the leases were nearly run out; and was it to be said that in such cases the tenants were to have no protection? He thought the Committee should have some further opportunity of discussing the question more fully.

Dr. COMMINS thought there might be some way of adjusting the views of the hon. Member for Wexford (Mr. Healy) with the Resolution of the Government. He quite agreed that the section, as it stood, would aggravate rather than remove the evil of arbitrary evictions, by acting as an inducement to landlords to create future tenants, and so to take the tenants outside the Act; but he would suggest that his hon. Friend should adopt the words "any tenancy not hereinafter excepted," so that it would then be possible to leave the section intact so far as it dealt with the arbitrary increase of rent, and the Committee would be able to provide further on remedies against the evil pointed out—to deprive landlords of the unfair advantage they tried to get now by proceeding against tenants for rents which they could not pay owing to calamities in the last few years.

Mr. MACFARLANE said, it was important to remember the number of tenants who would be affected by the clause. At the present moment there was one fixed number who would be excluded from the Act—namely, the leaseholders. Of the 600,000 and odd tenants in Ireland, about 80,000 were leaseholders; and those 80,000 on the expiry of their leases, which might take place next year, or within a few years, would be excluded from the benefits of the Act. And not only would they be excluded, but they would be the best class of tenants in Ireland, and, therefore, the most powerful agitators for a change in the Act. His (Mr. Macfarlane's) Amendment, as to those to be excluded through arrears of rent, would leave a considerable number who would be unable to pay; and he did not think it an excessive computation to assume that the future tenants, through the expiry of leases and the failure of arrears, would amount to 150,000, or one-fourth of the whole number of tenants in Ireland. He did not believe the time would come during the currency of existing leases, for the re-establishment of freedom of contract, but certainly it would not come within a short period; and he did not see why there should be a greater objection to including future tenants than there was in the case of private future leases. There was a clause later on providing that tenants and landlords might agree among themselves to leases extending over 31 years; but their freedom of contract was strictly limited, because they must submit those leases to the Court for revision. Therefore, freedom of contract did not really exist, and he did not see the use of keeping up a fictitious freedom of contract. For these reasons, he trusted the Government would seriously consider this question; and he believed that if some such provision as was suggested was not made, the Bill would not last many years.

Mr. JAMES HOWARD supported the Amendment, observing that the main object of the Bill was to get rid of the antagonism which had grown up between the landlords and tenants in Ireland, and that, while it tended to reduce the power of the landlords, it diminished their responsibility in a far greater degree. The distinction between present and future occupiers, it appeared to him, would simply sow the seeds of future antagonism, and probably a future agitation; and he thought it would be well if the Government would consent to bring in some Amendment in the sense of the proposal under consideration.

Mr. E. COLLINS stated that not alone in the House, but throughout the whole of Ireland, this subject had been debated since the introduction of the Bill, and the opinion had been strongly in favour of removing this distinction between present and future tenants. He appealed to the Prime Minister, who had throughout shown such a desire to conciliate differences of opinion, to allow this matter to be passed over for the present, so that opinion might be more developed upon it, and the House generally might have an opportunity of re-discussing it.

MR. T. P. O'CONNOR said, he should like to know whether the Treasury Bench had nothing to say on the point? Up to the present, there had only been a few words from the Prime Minister and nothing from the right hon. and learned Attorney General for Ireland or the hon. and learned Solicitor General for Ireland. They seemed to think Amendments proposed by Irish Members unworthy of the courtesy of a reply. Had they nothing to say on the subject?

COLONEL COLTHURST said, he took an exactly opposite view to that of the hon. Member for Galway (Mr. T. P. O'Connor). He hoped the Government would consider the question whether, while preserving the framework of the Bill, and preserving the distinction between present and future tenants, they might not find some means of modifying the hardship by a provision to meet the case of the leaseholders and the tenants in arrear. In that way, the number of future tenants would be diminished, and also the number of centres of disaffection and discontent. He hoped the Government would not be dragged into any premature repudiation of the suggestion.

MR. GLADSTONE said, he was very much obliged to the hon. Member for Galway (Mr. T. P. O'Connor) for his courtesy in alluding to his speech. As to the two points raised by the hon. and gallant Member (Colonel Colthurst), they were both important points, and one of them especially, that with regard to the leaseholders, was a point to which he had already referred as a matter which would require consideration during the progress of the Bill. With regard to the other consideration—that of the arrears—he was also of opinion that it was a matter deserving much attention; and he was prepared to say this much—though he was not certain that the Government knew how the object should be effected—that it would not be in the view of the Government desirable that the Bill should ultimately be so framed as that future tenancies should grow out of transactions connected with arrears of rent. The creation of future tenancies, wherever they arose from default by the tenants, should be through defaults subsequent to the passing of the Act.

MR. PARNELL thought that, after the statement of the Prime Minister, his hon. Friend the Member for Wexford should not further occupy the time of the Committee by pressing his Amendment.

MR. GIBSON wished to reserve his right to discuss the question; but the Prime Minister had put a far wider construction on the retrospective character of the Bill than the clause conveyed, and a vastly wider construction than he stated in introducing the Bill. The words he then used were cautious, and were in this sense—that wherever it could be proved that the tenants could not pay rents which were excessive, it was desirable that a certain amount of retrospective action should be given to enable them to apply to the Court.

CAPTAIN AYLMER hoped the Prime Minister would allow the Committee to divide on the clause, but allow them to discuss the subject on another occasion. He moved that Progress should be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Captain Aylmer.*)

MR. GLADSTONE said, that the hon. Gentleman the Mover of the Amendment desired to withdraw it, and he therefore hoped the hon. and gallant Member would not press his Motion, so that they might proceed with the Amendments until they came to one upon which this question might be raised.

Motion, by leave, *withdrawn.*

MR. HEALY thought the hon. Member for the City of Cork (Mr. Parnell) had been a little too hasty in acceding to the suggestion that the Amendment should be withdrawn, for the Amendment was of wider scope than he seemed to think. It was one of the Amendments which the Irish Hierarchy had stated to be of vital importance, and was one upon which the acceptance of the Bill by the Irish Members depended. He thought that if it was undesirable to discuss the question now, a way out of the difficulty might be found by substituting for the words "present tenancy" the words "any tenancy not hereinafter excepted from the provisions of the Bill." The entire question could then stand over to a future day. The Irish Members had given silent support to the Government; but the Government were pushing their Amendments through unduly, and treating the Irish Members with scant courtesy; and it was only when the Tory Party intermingled in the debate, or some Liberal Member gave anything like support to the Irish Members, that they could obtain anything like confidence. His Amendment would not prejudice the question; and, in view of the loose phraseology of the Government, he did not feel disposed to withdraw his Amendment. With the exception of one made to the hon. and learned Member for Dundalk (Mr. Charles Russell), all the concessions of the Government had been of a restrictive sense, and the experience they had had had to-day, getting no attention until they had secured allies from hon. Gentlemen opposite, would make the Irish Members far less disposed to give that support to the Government which they had hitherto given. Before withdrawing his Amendment, he would ask whether the Government would accept the words he had suggested?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could not accept the Amendment just suggested by the hon. Member (Mr. Healy). They intended the clause to apply, as it did apply, to both present and future tenants. The hon. Member's Amendment would not in any way tend to achieve that purpose; and, in fact, would leave their introductory paragraph of the clause altogether unaltered in its meaning and effect. There could be no increase of the rent of a future tenant, unless the first rent had been fixed, and the Amendment, therefore, would effect no real change in the clause.

MR. BIGGAR observed, that there had been unanimity among the Irish Members against the clause as it stood, and urged that the proper thing would be to allow the Amendment to lie over till Monday next, when there would be a better opportunity of discussing it. He, therefore, begged to move that Progress be reported.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Biggar,*) —put, and *agreed to.*

And it being ten minutes before Seven of the clock, House *resumed;* Committee to sit again upon *Monday* next.

House suspended its Sitting at Seven of the clock.

House resumed its Sitting at Nine of the clock.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock till Monday next.

HOUSE OF LORDS,

Monday, 20th June, 1881.

MINUTES.]—NEW PEER—His Royal Highness Prince Leopold George Duncan Albert, created Baron Arklow, Earl of Clarence, and Duke of Albany.

PUBLIC BILLS — *First Reading* — Consolidated Fund (No. 3)*.

Committee—Report—Land Tax Commissioners' Names * (109).

Report—Tramways (Ireland) Acts Amendment (92); Charitable Trusts Acts Amendment, *now* Charitable Trusts (96-120); Inclosure Provisional Order (Thurstaston Common) * (76).

Third Reading—Local Government (Gas) Provisional Order * (93); Local Government Provisional Order (Birmingham) * (94), and *passed.*

NEW PEER.

His Royal Highness Prince Leopold George Duncan Albert, having been created Baron Arklow, Earl of Clarence, and Duke of Albany—Was introduced between His Royal Highness the Prince of Wales and His Royal Highness the Duke of Cambridge, the Gentleman Usher of the Black Rod, the Garter

King of Arms, the Earl Marshal, and the Deputy Lord Great Chamberlain attending, and was placed in a chair on the left hand of the Throne.

THE AFFAIRS OF GREECE.

QUESTION.

LORD STRATHEDEN AND CAMPBELL asked the noble Earl the Secretary of State for Foreign Affairs, Whether it was the intention of the Government to present further Papers having reference to the settlement of the Greek Frontier, and in addition to those which had been laid on the Table in reference to the Convention between Greece and the Porte?

EARL GRANVILLE begged to inform the noble Lord that a Blue Book had been prepared, and the Government were now waiting for the assent of Foreign Governments before presenting it. He hoped to receive that assent shortly, and to be in a position to present the Blue Book in the course of this week.

ARMY DESERTIONS—"WASTE OF THE ARMY."—RESOLUTION.

THE EARL OF GALLOWAY, in rising to call attention to that part of the Report of the Committee assembled under General Lord Airey on Army Re-organization which deals with the question of the "Waste of the Army," and to move the following Resolution—namely:—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to appoint a Royal Commission to inquire into and report upon the causes of this 'Waste of the Army,' both in regard to the alarming increase of desertion officially reported to have taken place within a few months of the first enlistment of recruits as well as in regard to subsequent 'fraudulent enlistments' during recent years, since the introduction of short service, and the twin (or linked) battalion system;"

said, he should not trouble their Lordships at such length as he had done on a former occasion; but it was a subject which, owing to what might be termed the "apathy fever," nobody seemed inclined to take up, although everybody was talking of it. He believed it was one of the most important subjects which could occupy their Lordships' attention. On a former occasion he ventured to bring forward some facts and figures in support of his proposition that the proposed re-organization of the Army was unsound, unreal, as well as unpopular with the Army. He believed he had added at the time that it was almost open to the charge of being somewhat inhumane. He would be the last man to accuse any Member of the Government of wanton inhumanity; but he would undertake to show how the present scheme in effect was bound to prove itself inhumane. It was proved to demonstration that there was very great waste in the Army, caused by desertion and discharge by purchase. The Report of the Committee referred particularly to the injurious effect of the twin-battalion system, which, by the proposed scheme, was about to be intensified, by the constant shifting of young soldiers from one place to another; a few weeks at a depôt, then to one battalion, and again off to another. This constant shifting was so unpalatable to the young soldier that it was held to be a direct incentive to desertion, and any incentive to such a crime was, he thought, somewhat inhumane. It was on that account that he desired a Royal Commission to inquire into the waste in the Army. Looking at the figures presented in the Report of Lord Airey's Committee, it was nothing short of a national and crying disgrace that such a large amount of waste in the Army should be going on. He should, therefore, ask the permission of the House to give a short analysis of the figures presented on this subject in the Report of this Committee. From 1873 to 1879 there disappeared from the Army 12½ per cent in the first three months, 25 per cent in first 12 months, and 30 per cent within the first two years after enlistment, going on thus until before the end of the six years' enlistment there had been a waste of no less than 387 per 1,000, exclusive of any who might have gone to the Reserve. These, he thought, were startling figures. In another paragraph of the Report of Lord Airey's Committee, it was stated that during the three years from 1876-7-8 there were an average number of 28,800 recruits annually enlisted, 10,000 of whom had done no effective duty. During these three years short service had been only in partial operation; but actuarial calculations proved that with the short-service system in full operation the Service would require 36,000 men annually to keep up the Army to its proper strength, and it appeared that, in order to get 36,000 men finally approved, 54,000 men ought to be enlisted annually. In the six years from 1873 to 1878, inclusive, out of 17,171 desertions, no less than 13,180 deserted with less than three years' service. If that loss went on, it might be calculated that there would be an annual loss by desertion of 3,821. He came then to the question of purchase of discharge. In six years no less than 16,375 men left the Service in this way, exclusive of 18,176 who paid smart-money. The next paragraph stated that of that number about half were under three years' service. The Report, after alluding to the fact that 6,214 men out of 49,600 were lost to the Service annually by preventible causes, proceeded to say—

> "That the continuance of such losses adds enormously to the expenses of the Army, injures the efficiency of the regiments at home by requiring an influx of recruits over and above those necessary to supply legitimate casualties, renders necessary the establishment of larger depôts, and seriously retards the formation of the Reserve."

It showed that in the years 1876-7-8 the loss of men under one year's service was 12,636, at a cost of £431,700 to the country; that in the same three years the loss of men under two years' service was 11,177, at a cost of £745,600; that in the same three years the loss of men under three years' service was 3,044, at a cost of £354,900; making a total loss of 26,857 men, at a cost of £1,532,200, or over £500,000 a-year. This useless expenditure was bound to increase with the larger number of recruits requisite now unless measures were adopted to check it. The Report also said that—

> "A great part of the expenditure tends to demoralize the lower orders of society by encouraging fraudulent enlistment and desertion, and to bring the Government of the country into disrepute by sending back to civil life a number of men as invalids with impaired health, and therefore with diminished prospects of earning their livelihood."

Comment upon such a statement was, in his opinion, superfluous. The Report of the Committee also showed that the great waste that went on yearly from the ranks of the Army during the first year of a recruit's service was an evil—

> "Which must not only affect the discipline and efficiency of the Army, but adds enormously to the difficulty of maintaining its ranks at the required strength. This difficulty has been increasing many years, and is one requiring very serious consideration."

Here, again, comment was surely superfluous. Turning to the question of the height of recruits, he might remind their Lordships that it had already been found at times necessary to reduce the standard. This was the case in 1876. Such a step, however, was undesirable; but, in the opinion of the Committee, if trade revived a similar necessity would occur again. He might possibly be answered that much of the difficulty of obtaining recruits would be overcome by the Secretary of State for War accepting the age of 19 as the minimum age for enlistment. At the same time, it was doubtful whether this would meet the difficulty, unless the Army was made more attractive. Upon the question of age, he found the Report stated that—

> "In consequence of the difficulty of getting mature men it has been necessary to enlist a very large proportion of immature lads, which we have shown to be a source of constant and very heavy expenditure in maintaining a very large proportion of men returned as effective, but really not so for service."

The Report, however, went on to state that if the 10,440 men with less than three years' service, and the 3,492 with more than three years' service now leaving annually, could be reduced, the difficulties of recruiting would *pro tanto* be diminished. But in the schemes of the Secretary of State for War he saw no plan proposed to stop these losses. According to the Committee, they were attributable principally—first, to the imperfect physical condition of recruits, causing an undue amount of casualties from death and invaliding; secondly, to desertion; thirdly, to the purchase of discharge; and fourthly, to the discharge of bad characters. To diminish the waste from these causes, the Committee suggested more stringent rules as to medical inspection, a second medical examination after six months, and less arduous training, and that preference should be given for recruits of 20 years of age. They also recommended the establishment of large training centres, and the unlinking of battalions. The Committee proposed this — a method that they thought should have the effect of reducing fraudulent enlistment, which they believed to have been encouraged by numerous depôts being scattered all over the country, which, in addition to other evils alluded to, prevented the identification of those who re-enlisted after desertion. This was worthy of special attention. He was willing to admit that at first he was prejudiced against assembling large numbers of recruits together, not having understood that it was proposed to have a leaven of seasoned soldiers intermixed with them; but he had been convinced of its expediency, if only in order to prevent fraudulent enlistment. Upon that point the Committee remarked—

> "This and other considerations, to be hereafter explained, have led us to the conclusion that, while keeping the brigade depôt at centres for recruitiag, all recruits should be sent to training depôts to receive six months' training before joining their respective regiments. By interchange of a few members of the staff of these depôts, and by measures of police, we are of opinion that this fraudulent practice may be very considerably reduced."

The Report went on to state that the increase of desertions under the twin or linked-battalion system—comparing the eight years under this system with the eight years immediately preceding it—had resulted in an increased average of 5,161 under the twin, against 3,153 under the single batallion system, with an extra loss to the country of £350,000. Then again, the average cost to the country of a deserter was £2 17*s.* 6*d.*, in addition to his keep while in prison and other expenses; one man alone who had fraudulently enlisted six times in four years having cost the country some £250. During the last eight years the total loss to the country occasioned by desertion had amounted to £2,800,000. To afford the country some protection from such loss, the Committee recommended a peculiar vaccination mark, and he should be glad to know if the Secretary of State for War had accepted that proposal. It would also be found that the Committee made various suggestions with the object of inducing a larger number of a better class of young men to enter the Army. In their view, the causes of there being a dearth of non-commissioned officers were the constant shifting of young soldiers from one set of officers to another, the feeling of uncertainty as to when they might be pressed into the Reserve, and the conditions of service being constantly changed at the War Office, which created natural alarm as to security, not fixity, of tenure. From the remarks he had addressed to their Lordships, it would be seen that Lord Airey's Committee were of opinion that there was great waste in the Army by preventable cause; that that waste was in great measure caused by desertion and purchase of discharge; and that desertion and purchase of discharge were caused by the "constant shifting of young soldiers," which was a necessary part of the twin-battalion system. They therefore suggested as a remedy the establishment of large training centres, and the unlinking of battalions, recommendations which the Secretary of State for War refused to accept. Instead of adopting the recommendations of the Committee, the Secretary of State for War devoted himself to carrying out fanciful changes in dress, which were as extravagantly ridiculous as they were ridiculously extravagant. Thus, he argued, that the new Government had taken upon themselves not to follow the policy of their Predecessors as regarded the Army, as well as regarded foreign, Colonial, and Irish affairs. He would remind their Lordships of the expression of that great man the late Earl of Beaconsfield, whose loss this House as well as the country had so recently mourned, who had stated that for the first time in his experience of near 50 years, there had ceased that continuity which had hitherto prevailed between the policy of an incoming dna an outgoing Government; and he certainly thought that was the case in respect to this question of Army organization. He thought their Lordships had a right to know by whose counsel the right hon. Gentleman was conducting his military policy, because even a Minister of the genius of the Prime Minister could have no intuitive knowledge of a matter requiring so much practical experience, and so full of detail as this. It ought not to be forgotten that so high an authority as Sir Daniel Lysons, whose opinion was entitled to so much weight, had proposed a scheme the basis of which met with the approval of the late Secretary of State for War—and this he could state authoritatively—which was mainly based on the system of single or unlinked battalions. He did not wish to say anything harsh of the Secretary of State for War, or to treat this subject, which was really a very grave one, in a light manner;

but this he would venture to say—that whilst the British Army asked for a continuance of their daily bread in being permitted to retain their numerical and distinctive badges, these were about to be ruthlessly snatched from them; that whilst the British recruit was pleading each for a special battalion as a home, the only reply of the Secretary of State for War was—"Thou shalt remain a vagabond on earth." And this it was that had recalled to his memory the old nursery rhyme—.

> "Humpty-Dumpty sat on a wall,
> Humpty-Dumpty had a great fall,
> And all the Queen's horses and all the Queen's men
> Could not set up Humpty-Dumpty again."

But it was in this way that this rhyme appeared to him specially applicable—that if this threatened policy of disorganization was continued, he feared there would shortly remain—

> "Insufficient Queen's horses and men
> To set up the British Army again."

The noble Earl concluded by moving the Resolution of which he had given Notice.

Moved, "That an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to appoint a Royal Commission to inquire into and report upon the causes of the 'Waste of the Army,' both in regard to the alarming increase of desertion officially reported to have taken place within a few months of the first enlistment of recruits as well as in regard to subsequent 'fraudulent enlistments' during recent years since the introduction of short service and the twin (or linked) battalion system."—(*The Earl of Galloway.*)

THE EARL OF MORLEY said, he fully admitted the importance and magnitude of the question which had been raised by the noble and gallant Earl; but he could hardly think him serious in moving for the appointment of a Commission to inquire into a portion of a most able Report of a Committee, many of whose recommendations had been adopted by the Secretary of State for War in his new Scheme. He need hardly say that the Government were in possession of the whole of the information which could be procured on the subject, and were duly impressed with the importance of checking waste in the Army, whether it arose from desertions or any other cause; but they ought to have time in which to test the suggestions that had been already made to that end. He did not understand the object of the noble and gallant Earl putting his Motion on the Paper, unless it was to make an attack upon the new Army Organization. The noble and gallant Earl had occupied about three-quarters of an hour in reading a number of interesting extracts from the Report of Lord Airey's Committee. It was an interesting and able Report; but he thought most of their Lordships had made themselves familiar with it at their leisure. He was almost tempted to think it would have been more convenient if the noble and gallant Earl had moved that those portions of the Report should be read by the Clerk at the Table. Before proceeding to speak on matters of detail, he wished to disclaim any suggestion that the Organization of the Army ought to be or had been treated as a matter of Party politics, and to deny the further suggestion that the continuity of the military policy of Her Majesty's Government had been checked by reason of the fact that there had been a change of Government. The policy which the Government was following was in all essentials that recommended by a Committee presided over by the right hon. Gentleman who was Secretary of State for War in the last Government. The object of the noble Lord being to show that the waste in the Army was mainly due to short service, he should have compared the present waste with that which took place in the days when long service was the rule, and before the system of linked battalions was introduced into the Army. He should have shown that under the old condition of things there was no waste in the Army, or that substantially the introduction of the short service had led to an increase of waste; and if he had done this, he (the Earl of Morley) would have been ready to admit that a *primâ facie* case had been made out, but the noble and gallant Lord had done nothing of the kind.

THE EARL OF GALLOWAY: I pointed out that, in the eight years before the change, the average number of annual desertions were 3,150; and that in the eight years following it they approached 5,200 annually.

THE EARL OF MORLEY said, that no one could doubt the existence of waste in the Army, and he proposed to consider briefly what he deemed to be the causes of it. The causes were death, invaliding, discharge by purchase, discharge for misconduct, and desertion. The average of the annual number of deaths was 3,250 during the last nine years of long service, and it fell to 2,150 during the eight years that short service had been in partial operation. The discharges from invaliding had fallen from an annual average of 4,850 to one of 3,930. There had been a gradual reduction in the invaliding of recruits, and it was now as low as 13 per 1,000. The age of the troops was gradually rising. In 1871 the number of men under 20 was 190 per 1,000, and last year it was only 100 per 1,000. It was proposed this year to raise the age of recruits from 18 to 19, and he trusted that they should get recruits at that age without difficulty. There was every probability that discharges from invaliding would gradually diminish when the age was raised, and the men were more mature in physique, and when also, in accordance with the recommendation of Lord Airey's Committee, all the troops in India would be between the ages of 20 and 30 years, and no soldier could be sent to that country before he had gone through one year's service at home. No doubt, it was unfortunate that there should be many discharges for bad conduct, but the number of such discharges was steadily diminishing. In one year, under the long-service system, it was higher than it had ever been since; and, of course, it was preferable to discharge men rather than to retain those who would be a disgrace to their cloth. Discharge by purchase had long been in operation, and none of the Committees who had considered this subject had recommended that it should be discontinued. There was not much difference between the discharges under long service and under short service. During the last 19 years the average had varied between 2,000 and 3,000. The terms of purchase of discharge had recently been altered, and the recruit had now the right under the Army Act to purchase his discharge within three months of enlistment, and the maximum charge that could be made to him was £10, and the maximum charge had always been insisted upon. While it was well that indulgence should be allowed for that period to enable a man to decide whether a military life was congenial to him, it was fair that after that time a higher charge should be made. It was at present under consideration whether more equitable arrangements could be made with regard to the purchasing of discharge after three months. The statistics of desertion deserved careful consideration; they were affected by years of commercial prosperity and by additions to the Army; and comparisons were affected by the numbers rejoining the Army. In five years of long service, from 1866 to 1870 inclusive, deducting those who rejoined, the net loss to the Army by desertions averaged 2,158, and in an equal period of short service they averaged 2,460, being a yearly increase of 302. In 1858, when there was an addition of 65,000 men to the Army, the number of deserters was 20,000; in 1859, which was less affected by extraordinary measures, the number of deserters fell to 11,328. The argument of the noble Lord based on desertion entirely broke down. In the 19 years between 1861 and 1879 the average percentage of deserters to recruits was 22; but in 1869, which was the last year of the long-service system, it amounted to 27, and 10 years later it decreased to 16. These figures proved conclusively that the percentage of desertions among recruits had not increased of late. It had, in fact, shown a steady tendency to decrease. To meet the difficulties surrounding the question of fraudulent enlistment the noble and gallant Lord opposite suggested vaccination in a peculiar manner, or on an unusual part of the body. But would the practice be efficacious? He feared not, for in 1879 out of every 100 recruits who were re-vaccinated 25 cases were complete failures, and in 37 there appeared only a modified vaccine pustule, which left behind it no appreciable mark. It appeared, therefore, that out of 100 recruits who were vaccinated only 38 were marked. Vaccination, consequently, would be uncertain in its results; and to mark the men in any way would be likely to excite prejudice, and so to cause a diminution in the number of recruits. The question of fraudulent enlistment had not escaped the notice of the Secretary of State for War; and the authorities hoped to meet it more successfully than it had hitherto been met by encouraging more careful supervision on the part of recruiting officers, and by the adoption of other measures. In an enlisted army the conditions were different from those which obtained in an army that was kept up by conscription, and must necessarily be attended with a certain amount of waste. But for his own part he did not believe that the waste was due to either the long or to the short-service system. It was due to causes that were common to both systems, and independent of either. He agreed that it was of the greatest importance that the efficiency of the Army should be maintained, and that every reasonable means should be adopted to diminish the amount of waste; and he could assure the noble Lord that the Government were as anxious as he could be to reduce it to the smallest possible limit. In conclusion, he would remind their Lordships that the short-service system had hardly yet had a fair trial, and that there was good reason to hope that the system of deferred pay would diminish the number of desertions, while the improvement of the position of non-commissioned officers would probably induce men to remain with the Colours longer than now. And he could not help thinking that when these advantages were fully known there would be no difficulty in getting recruits. For the purpose of keeping the matter continually before the Government, they proposed to have three months' Returns on such subjects as they required, with reference to desertion, &c. He hoped, therefore, their Lordships would not agree to the Motion, which would seriously hamper the Executive in dealing with the subject which had so important a bearing on the whole organization of the Army.

Viscount BURY said, he heard the concluding portion of the speech of the noble Lord the Under Secretary of State for War with satisfaction; but could not follow him in the earlier part of his remarks. He did not think that the noble Lord had treated the argument of his noble and gallant Friend (the Earl of Galloway) quite fairly, because he had not answered the questions raised by his noble and gallant Friend; and from the manner in which he had treated the waste of the Army those who were unacquainted with the subject might sup- that it was not a reality. There were, no doubt, especial difficulties experienced in our Army, which were not incident to armies raised by conscription. There was no use in attempting to minimize the facts, as his noble Friend the Under Secretary of State for War had done, or to prove that any definite improvement was being effected. He did not think that the number of desertions was connected with the short-service system at all; but was attributable to other difficulties which might be removed. He hoped that the measures which were to be taken would be successful; but he must repeat that he hardly thought his noble Friend the Under Secretary of State for War was altogether fair to his noble and gallant Friend who had introduced the question.

The Duke of CAMBRIDGE said, that it was perfectly plain that when men enlisted they did not know whether they would like the Service or not. If they did not like it, it was very desirable that they should have facilities given them to leave at the end of three months, because it was plain that they would do no good in the Army. The circumstances attending the recruiting of a foreign army were altogether unlike those of our own, because there could be no desertion except for a very short time in a foreign army, as every one knew that such and such a man had been drawn for the conscription, and he could not go back to his native village, or, indeed, anywhere else, without being soon found out. In an enlisted army, however, there would always be desertion. He believed that if the number of men who had deserted for the last 20 years were compared with the number in the Army, there would be very little variation in the proportion. No doubt, when men enlisted largely men were accepted who, in other circumstances, would be rejected. Officers would not reject recruits when they wanted to fill up their regiments. No doubt, when the number of men was increased the result must be a considerable waste. On the subject of marking the men by vaccination medical men had pronounced an adverse opinion, and even vaccination was not as perfect as it ought to be for the purpose. At the same time, unless men were marked men would enlist over and over again. It ought to be borne in mind that a great proportion of the desertion in the Army was owing to the same men repeatedly deserting. It frequently happened that the same man deserted six or seven times; and there was one case where a man had deserted eight times. The number of deserters would, of course, to a great extent, depend upon whether it was made worth a man's while. The deserter got his bounty, deserted again and got a second bounty; of course, each time immediately making away with the money. He did not think it was a question which could be easily discussed in an Assembly such as their Lordships' House. Nor did he think there was any cause for anxiety on the ground of the greater youthfulness of men in the Army than formerly prevailed. He believed the men were better than they used to be. It must be the interest of any Government to make the best recruits possible; and he believed that the present Government, like those which had preceeded it, was doing its best for the purpose. The only difficulty he could see was that they did not seem to be able to get them at a proper age, there being from 20 to 30 per cent in every batch who were permitted to join at too early an age; but, as they had heard, the standard was to be advanced so far as respected the age at which recruits were to be admitted. There would naturally be waste in the Army to some extent through this and other causes; the only question being how it could be kept down to the minimum.

Viscount HARDINGE said, that it appeared from the Report of Lord Airey's Committee that a large number of recruits were enlisted who were not finally approved. As many as 42,000 recruits were enlisted in 1875, of which 14,000 failed to be approved. One of the recommendations of the Committee was that the recruits' duties should be made less arduous. He had heard that they were unnecessarily worried with extra drill, and in some cases by gymnastic exercises. He thought that, in accordance with these recommendations, such extra drill might be relaxed, although, under short service, it was necessary to make the recruit efficient in as short a time as possible. He also thought, in accordance with the recommendation of the Committee, a second medical examination should take place. He had heard, too, from many officers, that the recruits were a good deal worried on first joining their regiments. Under the short-service system there was but little time, and the recruits had extra drill and went through courses of gymnastic exercise.

Lord ELLENBOROUGH said, that, without giving any special approval to the Resolution, he thought there was good cause for bringing the subject before their Lordships. He thought that one of the causes of the great waste in the Army was the frequency of changes recently made in its administration and management. He was also of opinion that the constant movement of the recruits from one place to another was another predisposing cause of desertion. From his own personal knowledge, it was very unsatisfactory to the battalion to be constantly moved about.

The Earl of AIREY said, the Report of the Committee over which he had the honour to preside had not received sufficient attention in consequence of the Scheme and the Report coming out simultaneously. All the attention was, of course, directed to the Scheme, and the Report was left on one side. He believed there were very few who had gone through the Report. He was inclined, under the circumstances, to support the Motion of the noble and gallant Lord.

Lord STRATHNAIRN said, he entirely agreed that the waste going on in the Army was a fitting subject for an inquiry before a Royal Commission.

The Marquess of SALISBURY said, that his noble and gallant Friend (the Earl of Galloway) had been the means of bringing about a very interesting and instructive debate, and the Government would see from what had taken place that this question was occupying the attention of military men. He hoped that many of the things which had been said that evening would be seriously considered at the War Office. He did not, however, think that their Lordships were in a position to give a distinct expression of opinion at that moment. The subject was, no doubt, very anxiously discussed at the present time in the Military Service. Those civilians who, like himself, did not know very much of the details of the matter, could plainly see from the state of opinion among experts that matters were not going on smoothly or rightly. He was bound to say, and he doubted whether anybody would be bold enough to contradict his assertion, that there never had been a period in which so great anxiety, and, he might say, so great discontent, had been felt by military men of various schools of thought as was felt at the present moment. We had in our minds the uncomfortable conviction that those who knew best the needs of the country at this critical period were not contented with the state of one of those Services on which the strength and credit of the Empire depended. He had no doubt that those matters which had been raised before that House to-night would be deeply thought on by the War Office, and he thought that in many respects the debate had been of value in bringing out matters that were not sufficiently known. The noble Lord who represented the War Office in that House had intimated that he contemplated measures bearing on the subject. The illustrious Duke had laid down, and he thought other authorities were of the same opinion, that this great evil, the waste of the Army, was due, not to long or short service, but to causes of a wider character which had long been a subject of complaint, and which deserved the notice of the authorities. He earnestly trusted that due weight would be given to the remarks of the illustrious Duke with respect to desertion, and to the effect which, in the opinion of many of the wisest officers in the Army, what he could not help calling the strange prejudice against marking men who deserted, was having upon the maintenance of our Military Force. While he felt strongly upon this subject, he was not sure that the precise remedy to which his noble and gallant Friend pointed was the one that ought to be adopted. His opinion was that military vigilance in that and the other House of Parliament, and keeping alive the vigilance of the War Office, would be better than a Royal Commission. Royal Commissions were apt to sit for a very long time. Their Reports were very frequently split up so as to present what the right hon. Gentleman at the head of the Government had picturesquely called "a litter of Reports," and the result was very often that the subject which a Royal Commission was appointed to investigate was entirely forgotten by the time the investigation was concluded. He did not think that in the present state of the House a decision upon the point raised by his noble and gallant Friend would be a representative decision, and he, therefore, hoped his noble and gallant Friend would be content with the result he had obtained in the very interesting debate they had had, and would not press his Motion to a division.

EARL GRANVILLE said, he entirely agreed with the advice which the noble Marquess (the Marquess of Salisbury) had given as to the withdrawal of the Motion, and thought he was quite right in adding to it a little Parliamentary language as to the advantage of this debate. He owned, however, that the advantages of the debate seemed to him to have been in the opportunity which it had afforded the noble Earl (the Earl of Morley) and the illustrious Duke to dispose of the charges made by the noble and gallant Earl who introduced the Motion. He was much surprised to hear the language used by the noble Marquess as to the discontent which existed in the Army, because, as regarded desertions and recruiting, if his recollection did not fail him, the same complaints were made during the six years the noble Marquess and his Friends were in Office, and they did not remove them.

THE EARL OF GALLOWAY said, after what had been stated on both sides of the House, he proposed to withdraw his Resolution.

Motion (by leave of the House) *withdrawn.*

TRAMWAYS (IRELAND) ACTS AMENDMENT BILL.—(No. 92.)

(*The Lord Monteagle of Brandon.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

Clause 7 (Alteration of section six in the Act of 1860, and section four of Act of 1871).

LORD MONTEAGLE OF BRANDON moved, in Clause 7, page 2, line 29, to leave out ("toe of the fence") and insert ("roadside boundary").

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, there was no objection to the Amendment, but there was to the clause itself, as it would enable a private company to take away part of a public road, to raise it higher than the other portion of the road, and to place rails on it for the tram cars.

That would be a serious nuisance. He also wished to point out that there was not a single word in the Bill to secure compensation to persons who might sustain damage by the acts done under it.

VISCOUNT POWERSCOURT said, that nothing could be done under the Bill without the sanction of the Grand Jury, and then of the Lord Lieutenant in Council. This Bill would enable cheap tram roads to be made, and in many parts of Ireland that would be a great advantage.

LORD EMLY said, he hoped the noble Earl at the Table (the Earl of Redesdale) would not persist in his objection, as all the county surveyors in Ireland were in favour of the Bill.

THE EARL OF LIMERICK contended that this clause would very seriously interfere with public and private rights, as the making of raised tram roads would prevent other roads being at any time made.

THE EARL OF COURTOWN thought that ample guarantees were provided by the Bill against persons being injured.

LORD CARLINGFORD was of opinion that if the clause was not agreed to it would be a misfortune to Ireland. He understood that all persons—landlords, farmers and others—were agreed that these roadside tramways would be suitable for Ireland. All he could say was, that unless Parliament allowed these cheap lines of railway to be constructed, Ireland would be deprived of what would prove a great advantage.

Amendment *agreed to.*

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, he was unwilling to move the omission of the clause; but he was thoroughly convinced that if their Lordships wished to create a nuisance this was the way to do it. He must protest against the making of these raised tramways without securing to the persons by the roadside entrance to their fields or residences. They were proposing to take away the whole of a public right and to give it to a private company, which would be a great injury to the public in many cases.

THE EARL OF LIMERICK also objected to the clause.

Bill to be read 3ª *To-morrow.*

CHARITABLE TRUSTS BILL.—(No. 120.)

(*The Lord Chancellor.*)

REPORT OF AMENDMENTS.

Amendments *reported* (according to Order).

THE LORD CHANCELLOR said, that after what had been suggested when the Bill was in Committee, he proposed to make certain Amendments to the Bill to meet the objections which had been put forward, and he had some Amendments of a merely formal character. Those Amendments were as follows:—

In Clause 3, page 2, line 31, after ("1860") add ("as amended by section five of the Charitable Trusts Act, 1869"); line 42, leave out ("Commissioners are") and insert ("Board is"); Clause 4, page 3, line 5, after ("provisions") add ("relating to a charity") and leave out ("private"), and after ("Parliament") insert—

> "Establishing a scheme approved and certified by the Board under section fifty-four and the following sections of the Charitable Trusts Act, 1853, or in any Act of Parliament other than a public general Act;"

line 6, leave out ("relating to a charity"); Clause 5, page 3, line 15, after ("1860,") add ("as amended by section five of the Charitable Trusts Act, 1869"); Clause 7, page 4, after line 15, add—

> "Proceedings for the recovery of any rent or other debt due to any charity, or the trustees thereof, for which an action might have been brought at the common law, or for the recovery of any land or tenement belonging to any charity from any lessee or tenant refusing to give up the possession thereof after his lease or tenancy has determined, or for an injunction in any case of urgency to restrain any actual or apprehended damage or injury to any charity property, may be commenced without previous notice to the Board; but in every such case notice of the commencement of such proceedings shall be given to the Board, together with a statement in writing of the reasons for taking the same, as soon as may be after the commencement thereof; and the Board, on receiving such notice, shall have power to make an order in like manner as if an application had been made for its sanction before the commencement of such proceedings, with such conditions, stipulations, and provisions as to the subsequent continuance and conduct or delay of such proceedings, and as to the costs of or incident to the same, as to the Board shall seem proper; and any order so made shall be binding upon the persons by whom such proceedings shall have been taken."

Clause 13, page 6, line 28, after ("charity") add—

> "Provided, that nothing herein contained shall authorise or enable any trustees to appoint a new trustee, provisionally or otherwise, without the approval of the Board, or make it the duty of the Board to make an order recording such appointment, in any case in which the approval of the Board is, by the provisions of any scheme for the administration of the charity for the time being in force or otherwise, by law required."

Clause 15, page 8, line 34, after ("estate") add—

> "Provided, that any realization or conversion of any charity fund which shall be necessary or shall take place for the purpose only of varying the investment thereof in any manner authorised by law, shall not, if the proceeds thereof are afterwards duly re-invested, be deemed to be a sale within the meaning of the said Charitable Trusts Amendment Act, 1855, or this Act."

Clause 23, page 12, line 3, before ("In,") insert—

> "In the Charitable Trusts Acts, 1853 to 1881, unless the context otherwise requires, the expression 'trustee' in relation to any charity includes any person acting as a trustee or governor of a charity."

Amendments *agreed to.*

The Marquess of SALISBURY proposed, after Clause 14, to insert the following new Clause:—

> "In the construction of the Charitable Trusts Acts, 1853 to 1869, and of this Act, the expression 'charity' shall not include the Royal Society of London for Improving Natural Knowledge."

The LORD CHANCELLOR said, he did not oppose the clause.

Clause *agreed to.*

Bill to be read 3ª on *Tuesday*, the 28*th instant;* and to be *printed* as amended. (No. 120.)

House adjourned at a quarter past
Eight o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 20*th June*, 1881.

MINUTES.]—Private Bill (*by Order*)—*Third Reading*—Standard Bank of British South Africa (Limited)*, and *passed.*

Public Bills — *Ordered* — *First Reading* — Regulation of the Forces * [193].

First Reading—Fugitive Offenders * [194].

Second Reading—Court of Bankruptcy (Ireland) (Officers and Clerks) * [189]; Burial Grounds (Scotland) Act (1855) Amendment * [184].

Committee—Land Law (Ireland) [135]—R.P.

Committee—Report—Lunacy Law Amendment * [56-192].

Considered as amended—Local Government Provisional Orders (Acton, &c.) * [159]; Pier and Harbour Orders Confirmation * [143-161]; Summary Jurisdiction (Process) * [179]; Sale of Intoxicating Liquors on Sunday (Wales) [3]; Newspapers (Law of Libel) * [5].

NOTICE OF QUESTION.

POST OFFICE — THE TELEGRAPH STAFF.

Mr. O'DONNELL gave Notice that on Wednesday he would ask the Speaker, Whether a debate could be raised as a matter of "privilege" on the Treasury Circular in which the telegraph clerks were threatened with certain pains and penalties for having availed themselves of their privileges as electors to approach that House with a request for the redress of their grievances?

QUESTIONS.

CROWN LANDS — THE STAGSDEN CROWN ESTATE.

Mr. ARTHUR ARNOLD (for Mr. J. Howard) asked the First Lord of the Treasury, When the Report upon the Crown Estate in Bedfordshire, promised on 2nd June, may be expected to be in the hands of Members?

Mr. GLADSTONE: Sir, the Report referred to has been, or will be, laid upon the Table to-day.

POST OFFICE — THE TELEGRAPH STAFF.

Lord RANDOLPH CHURCHILL asked the Postmaster General, Whether his attention has been called to the case of a telegraph clerk in the Western District, who, in consequence of overwork, has become temporarily incapacitated from duty owing to mental derangement; whether he will say what was the length of the duty performed by him on each of the seven days previous to his leaving off work; whether any part of those duties was voluntary, and paid for as overtime; and, whether any deduction from his salary will be made during the time he is away ill?

Mr. FAWCETT: Sir, although the telegraphist referred to in the Question of the noble Lord worked, on an average, during the three weeks previous to the time when he was taken ill, 47 hours a-week—that is, less than eight hours a-day—yet I regret to find that the work was so unequally apportioned, that whereas in one week he only worked three hours a-day, he worked in the week preceding his illness nine and 12 hours a-day alternately. The 12 hours he worked on the Sunday immediately preceding his illness he performed as a matter of private arrangement for another telegraphist. I feel very strongly that steps ought to be taken to prevent such an unequal apportionment of work, and a reference to the Correspondence which has just been published will show that I have endeavoured to deal with it in the sixth of the nine recommendations which have been made to the Treasury. I believe the arrangement there proposed will not only materially improve the position of the telegraphists and postal clerks with reference to overtime, but will afford the Department the means of at once ascertaining by an arithmetical test whether in any particular office the amount of overtime is unduly large or is unequally apportioned. Although the telegraphist referred to has always been delicate, I have reason to hope from the report of the medical officer that his present illness is only temporary. Under the circumstances, I have given instructions that during his absence he should receive full pay.

EXPENDITURE ON NEW WORKS—ESTIMATES.

GENERAL SIR **GEORGE BALFOUR** asked the Secretary to the Treasury, If he will supply a statement of expenditure during the past few years on new works, and hereafter give a like statement with the Civil Service Estimates, somewhat in the form used for this kind of charge in the Army Estimates?

LORD **FREDERICK CAVENDISH**: Sir, I am afraid that it would be impossible to prepare such a detailed statement of past expenditure as that asked for by my hon. and gallant Friend without a large expenditure of time and labour. If my hon. and gallant Friend will refer to the Appropriation Accounts of Class I, he will see that much of the information which he desires is now given in statements appended to those accounts, and I hope that it will be found possible to make this information more complete in future years. I will consider, when next year's Estimates are in course of preparation, whether a statement similar to that given in the Army Estimates can be presented to Parliament of proposed new works, additions, and alterations, the estimated cost of which exceeds £1,000.

EJECTMENT DECREES (IRELAND).

MR. **LEWIS** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the fact that out of the one hundred and twenty-one ejectment decrees granted at the Easter Sessions 1881 for non-payment of rent in the county of Derry only twelve have been followed by execution; whether, of such twelve, there were four which were not agricultural holdings; and, whether, out of the remaining eight, three of the tenants were re-admitted by the Sheriff upon signing fresh attornments to the landlords, being but five out of the one hundred and twenty-one as actually evicted, or to arrange personally with the landlord?

MR. **W. E. FORSTER**, in reply, said, that the statements in the Question were substantially accurate.

THE KILLALOE EEL FISHERY (IRELAND).

MR. **GABBETT** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it has been customary for the Board of Works (Ireland) at the expiration of successive leases of the Killaloe Eel Fishery, to put it up to competition by advertisement in the newspapers; and, if that rule has been departed from on a late occasion; and, if so, on what grounds, and what mode of proceeding has been substituted?

LORD **FREDERICK CAVENDISH**: Sir, as this Question relates to the Board of Works, I have to answer it on behalf of the Treasury. It has been customary to let the Killaloe Eel Fishery on lease of three years, and, at the expiration of each such lease, to put it up to competition by public advertisement. This practice was departed from this Spring, because it was feared that, in consequence of the works in progress for the improvement of the Shannon, difficulties might arise and claims for compensation be put forward on the ground of alleged injury to the fishery. It was therefore thought advisable to continue the late lessee—who, having been the highest bidder, had held the fishery for several successive periods—in occupation for three years more at the same rent, which is the highest ever obtained, he giving an undertaking that he would not seek for compensation on account of any effect produced by the works of improvement in the river.

TUNIS—POLITICAL AND JUDICIAL OFFENCES.

Sir H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether, henceforward, British subjects having causes or actions against Tunisian subjects at Constantinople and other places within the Ottoman Dominions will have to bring such actions in the French Consular Courts; and, whether the appeal from such Courts lies to the Tribunal at Aix, in Provence, and, in case British subjects succeed in gaining such causes, under what Treaty or Capitulation the sentences will be carried into execution?

Sir CHARLES W. DILKE: Sir, the appeal from French Consular Courts in the Levant lies to Aix. Points closely connected with the first portion of the hon. Member's Question are now engaging the earnest attention of Her Majesty's Government.

Sir H. DRUMMOND WOLFF: Are these very questions engaging the attention of the Government?

Sir CHARLES W. DILKE: Yes.

BOARD OF WORKS (IRELAND)—THE LIMERICK HARBOUR COMMISSIONERS.

Mr. GABBETT asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Board of Works have lately refused to lend the Harbour Commissioners of Limerick money to build labourers' dwellings; whether the opinion of Counsel, on which such refusal was founded, was wholly or partially founded on the assumption that the said Commissioners did not employ labourers; if so, on what authority such assumption was based, and who informed the Board of Works that the said Commissioners do not employ labourers; and, if he will lay upon the Table of the House Copies of any memorials or letters addressed by the secretary of the Harbour Commissioners, or any other person purporting to act on their behalf, to the Board of Works, and the replies thereto, with the case submitted to the Counsel of the Board of Works, and any documents therein referred to, and Counsel's opinion thereon?

Lord FREDERICK CAVENDISH: Sir, the Board of Works, acting on legal advice, have declined to make the loan applied for by the Limerick Harbour Commissioners for the purpose of building labourers' dwellings. Counsel's opinion was founded in part on the assumption that those Commissioners did not of themselves employ labourers; this was inferred from the statement put forward in their Memorial applying for the loan. It is not usual or convenient to publish cases laid before counsel; and I do not think the importance of the other Papers is such as would justify the Treasury in presenting them to Parliament. If, however, the hon. Member will call upon me at the Treasury, I shall be happy to show him the Correspondence.

POST OFFICE—TELEGRAPHIC COMMUNICATION WITH SHETLAND.

Mr. LAING asked the Postmaster General, What steps are being taken to restore telegraphic communication with Shetland, which has been for some time interrupted, to the serious detriment of the trade and fisheries of the district; and, whether, when the Post Office has undertaken to provide telegraphic communication for a considerable district, it is their duty to maintain such communication in a state of efficiency, and to restore it without delay if interrupted from unavoidable causes?

Mr. FAWCETT: Sir, I regret as much as my hon. Friend that the cable to Shetland has not been restored. The delay has been occasioned by the impossibility, under existing arrangements, of obtaining a cable ship, as all the suitable cable ships are abroad. We have now secured one which is on its way home from the West Indies, and the moment it arrives it will be sent to Shetland.

ARMY—SUPPLIES FOR THE TROOPS IN IRELAND.

Mr. HEALY asked the Secretary of State for War, Whether a Circular was recently addressed from the office of the Commander in Chief in Ireland to officers commanding regiments in that Country, to the following effect:—

> "It has been represented to the Irish Government that the presence of the troops being of direct pecuniary advantage to the inhabitants of a neighbourhood, it may be desirable, especially when cases of Boycotting have occurred, that all supplies for the use of the troops should be procured from a distance. You are requested to state your views, &c. &c.;"

and if the Government approve of the Circular; and by whose instructions it was issued?

MR. CHILDERS: No, Sir; no such Circular has recently been issued; but about six months ago confidential inquiries were made as to the best manner of victualling the troops in certain remote parts of Ireland; and some dishonest person has apparently made improper use of one of the confidential letters then written. I decline to give any further information as to confidential Papers.

EVICTIONS (IRELAND).

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether there would be any objection to lay upon the Table a Return showing the respective number of (1st) ejectments for nonpayment of rent; (2nd) other ejectments; and (3rd) ordinary writs of summonses in actions for rent, issued respectively out of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice in Ireland, from the 1st of January 1880 to the present time?

MR. W. E. FORSTER: Sir, there will be no objection to give this Return if the hon. Member will move for it as an unopposed Return. It might, however, be better to fix the date on the 30th of June, instead of the "present time."

SOUTH AFRICA—THE TRANSVAAL—ARRANGEMENT OF TERRITORY.

MR. W. FOWLER asked the Under Secretary of State for the Colonies, Whether Her Majesty's Government have instructed the Royal Commissioners to consider the expediency of separating from the Transvaal the so-called disputed territory with a view to restoring it to the Zulus, in accordance with the award made by the Commissioners appointed by the Natal Government in 1878; and, whether Her Majesty's Government will, under any circumstances, consent to hand over this country to the Boers?

MR. GRANT DUFF: Sir, my reply to both my hon. Friend's Questions must be in the negative. It is not intended, under any circumstances, to alter the boundary of Zululand, which was finally settled in the interests of all parties by Sir Garnet Wolseley, and which will be found set forth in the South African Papers C 2,482, page 285.

ARMY—OFFICERS OF THE INDIAN ARMY AND STAFF CORPS—RETIREMENT.

SIR TREVOR LAWRENCE asked the Secretary of State for India, Whether it is the case that, in consequence of the low rates of pension granted to officers of the Indian Army and Staff Corps, the existing regulations for retirement are practically ineffective, the result being that officers remained in the service until they obtained Colonel's allowances; whether it is the case that there are now about 1,200 field officers so remaining, whose services are not required by the State, and who occupy positions unsuited to their rank; and, whether a heavy financial burden is thus placed upon the State.

THE MARQUESS OF HARTINGTON: Sir, a scheme for the revision of Indian military pensions is under the immediate consideration of the Council of India, and a revised scale will probably come into operation within a few weeks. It is, however, impossible to say whether it will have the effect of inducing many of the officers entitled to serve on for colonel's allowances to retire before their attainment. The latest Returns—the 1st of January, 1881—show that there are in the three Presidencies 1,277 lieutenant-colonels and majors, not in receipt of colonels' allowances, of the three Staff Corps and local armies, of whom 136 are employed in army staff, 430 in regimental employment, and 33 on general (military) duty. The remainder are either on furlough or in civil employment. There are, therefore, only 33 field officers in India—namely, 24 lieutenant colonels, and nine majors—whose services are not immediately required by the State. There are, however, about 20 on furlough at home, who have been granted special furlough on account of the inability to find employment for them. With respect to the employment of officers in positions unsuited to their rank, this can only apply to regimental employment. In the 105 corps of Cavalry and Infantry in the Bengal Presidency, including the regiments under the direct authority of the Viceroy in Council, there are only 18 officers in positions which may not with advantage and entire propriety be held by field officers. They are all majors, and a great number of them do actually hold, temporarily, squadrons or wing commands. Of the 37 Bombay regiments, there are but four majors actually serving with corps in the position of captains out of 15 attached to such positions in *The Army List.* In the 45 regiments of the Madras Army, there are, out of 71 field officers shown as filling captains' positions, only 41 actually so employed. Accordingly, so far from there being 1,200 field officers whose services are not required by the State, and who occupy positions unsuited to their rank, there are only 33 officers of the first category, or, reckoning those at home on special furlough, 53, and between 50 and 60 majors doing the duty which would otherwise be done by captains or subalterns. This cannot be said to constitute a heavy financial burden.

LORD ELCHO wished to know whether the attention of the noble Marquess had been called to the fact that a striking disparity existed between the pension and retirement regulations of the Staff Corps of the Indian Army and those of the new Line regiments?

THE MARQUESS OF HARTINGTON: I have already stated that there is under consideration a revised scale of pensions for the Indian Staff Corps which will be got out in a very short time. The conditions of service between the officer of the new Line Corps and the Staff Corps differ so radically that no comparison can be drawn between the scales suitable to either. The new Line Corps officers are subjected to compulsory retirement during various periods of their service. The Staff Corps officer can claim to continue his service until he obtains colonel's allowances, over £1,100 a-year. The new pension scale for the Staff Corps will, it is believed, be found adequate to meet the fair requirements of the service and claims of the officers.

THE UNITED STATES—ORGANIZATION OF OUTRAGES.

MR. E. STANHOPE asked the First Lord of the Treasury, Whether any representations have been addressed to the Government of the United States as to the preparations being made by an organization in that country for the commission of outrages in different towns in England?

MR. GLADSTONE: I am not precisely aware in what sense it is that my hon Friend uses the words—

> "Preparations being made by an organization in that country for the commission of outrages in different towns in England."

What we are cognizant of consists, in the first place, of incitements in the public Press, connected undoubtedly with the collection of money, which may probably be directed to the purpose of giving effect to those incitements. They are by no means limited to the commission of outrages in different towns in England; but they indicate particular individuals and give some of them considerable prominence. I think that being the state of the case as to the facts, what I have to say in answer to the Question is that, viewing the nature of these extraordinary productions, we thought it our duty to bring them to the knowledge of the Government of the United States, and that we have done.

ARMY RE-ORGANIZATION—LORD AIREY'S COMMITTEE.

SIR HARRY VERNEY asked the Secretary of State for War, Whether he will lay upon the Table of the House a Paper stating the important particulars, if there are such, in which the new organisation of the Army differs from the recommendations of Lord Airey's Commission?

MR. CHILDERS: Sir, in reply to my hon. and gallant Friend I am afraid that I could hardly make a formal Return as to the "important" differences between the recommendations made by Lord Airey's Committee and those contained in my two Memoranda without raising a question as to the word "important." The Report of Lord Airey's Committee is on the Table, and its conclusions can be compared by my hon. and gallant Friend with those of the two Memoranda. But, perhaps, I may say in general terms that the two great differences between the proposals are that Lord Airey's Committee proposed to increase the soldier's contract of service to 14½ years, 8½ with the Colours; whereas we leave it at 12 years, 7 to 8 with the Colours; and that Lord Airey's Committee proposed to abolish the two battalion system, breaking up the first 25 regiments and the rifle regiments, unlinking the rest, and adding 15,000 men to the Army; whereas I have carried linking to its legitimate result, the universal double-battalion system, with an addition of some 2,000 men only.

CITY OF LONDON—THE MAGISTRACY—ELECTION OF AN ALDERMAN.

MR. FIRTH asked the Secretary of State for the Home Department, Whether his attention has been called to a contest about to take place for the Aldermanic Chair in the Ward of Queenhithe, in the City of London; whether he is aware that the whole number of electors in the Ward is only 273, but that the person elected becomes ipso facto a judge at the Central Criminal Court, and a magistrate for life; and, whether, in order to obviate the disadvantages of having judicial offices open to public election, and such offices filled by persons devoid of legal knowledge and experience, he is prepared to amend the provisions of 4 and 5 Will. 4, c. 36, s. 1 (Central Criminal Court Act), so as to exclude City Aldermen from the position of Judges in the Central Criminal Court, and also to extend to the City of London the system of qualified stipendiary magistracy which exists in the Metropolis outside the City?

SIR WILLIAM HARCOURT: Sir, the Question which the hon. Member asks me is part of a great question which I hope this House will before long have time to address itself to. I mean the reform of the municipal government of London. I hope that matter will be dealt with before long; but I do not think it is possible to deal with the particular question to which he refers apart from the consideration of that matter as a whole.

BRITISH HONDURAS.

SIR HENRY HOLLAND asked the Under Secretary of State for the Colonies, Whether any reply has been received from the Lieutenant Governor of British Honduras to the Despatch transmitting a Memorial from certain inhabitants of that Colony, and calling for an explanation; and, whether Papers on the subject will be laid upon the Table?

MR. GRANT DUFF: Sir, some further despatches have been received from the Governor, and the Papers will now be presented very shortly.

ARMY—ROYAL HIBERNIAN MILITARY SCHOOL, DUBLIN.

MR. W. CORBET asked the Secretary of State for War, What is the result, if any, of the inquiry held some months ago regarding the alleged ill-treatment of the pupils of the Royal Hibernian Military School; and, whether he can now lay the Report, which it is understood has been printed and privately circulated, upon the Table of the House?

MR. CHILDERS: Sir, in reply to the hon. Member I have to state that, as I informed the House on the 3rd of May, the Report of the Committee appointed by Sir Thomas Steele had been transmitted by me to the Governors; but that, contrary to my expectations, they have not yet favoured me with their remarks on the subject. They are not under my control; but I have informed them that unless I receive their Report by a day which I have named I shall have to take action without it. I can say nothing at present about laying any of these Papers on the Table.

ARMY—MILITIA SUBALTERNS.

SIR EDWARD WATKIN asked the Secretary of State for War, Whether at least twenty-five of the Militia Subalterns eligible for September by having passed the Civil Service examinations are at their "last chance," as, after September, they will be too old; and, whether, in such cases, he will permit an extra "chance" to be given in alleviation of the hardship caused by giving 110 places in September 1880.

MR. CHILDERS: Sir, I have been, in common with my advisers at the War Office, much puzzled by my hon. Friend's Question. So far from the giving of 110 places in September, 1880, having been a hardship, it has really greatly assisted the chances of the present competitors, by withdrawing so many eligible candidates from the following examinations. I will consider my hon. Friend's suggestion after the September examination; but as it might have the effect of admitting the most unfit of all recent candidates, I can say nothing more now.

FOREIGN JEWS IN RUSSIA — EXPULSION OF A NATURALIZED BRITISH SUBJECT.

Baron HENRY DE WORMS asked the Under Secretary of State for Foreign Affairs, Whether Her Majesty's Government have been advised by their legal adviser at St. Petersburg, that the expulsion of Mr. Lewisohn, a British subject, from Russia last year by the Government of Russia was a violation of Russian Law?

Sir CHARLES W. DILKE: Sir, successive Governments have held, with the acquiescence of Parliament, that the legal advice which they receive is of a confidential character, that it cannot be produced, and that it is the Department concerned which is responsible for the decision which, founded upon such advice, is taken. A Report has been received from the counsel to the Embassy at St. Petersburg. That Report has necessitated a request for further information from Mr. Lewisohn, and the Law Officers of the Crown have not yet reported upon the case, and the House would blame me for creating a new and bad precedent of giving piecemeal and premature information of the legal advice we have received. Such a course would not further the object which Her Majesty's Government and the hon. Member have in common—namely, to secure, as far as International Law permits, that justice be done to our Jewish fellow-countrymen in foreign countries. No unnecessary delay will occur in giving full information to the House.

POST OFFICE—POSTCARDS.

Mr. JAMES HOWARD asked the Postmaster General, Whether he will obtain specimens of the Post Cards, Home and Foreign, of the several Countries which have adopted them, with a view to their being exhibited in the Library of the House, and the consideration of any improvements in our own Post Cards?

Mr. FAWCETT: Sir, I shall be very happy to accede to the hon. Member's request, and I have already given instructions on the subject.

BULGARIA (POLITICAL AFFAIRS).

Mr. LABOUCHERE asked the Under Secretary of State for Foreign Affairs, Whether he will lay upon the Table of the House the Reports of Mr. Lascelles respecting the action of Prince Alexander of Battenburg in Bulgaria, together with the protest of Her Majesty's Government against it; also, whether certain ex-Ministers of Bulgaria have appealed by telegram to the Prime Minister to express sympathy with them in their efforts to maintain the constitution of their country; and, whether any reply has been given to that appeal?

Sir CHARLES W. DILKE: Sir, the Correspondence with Her Majesty's Agent at Sofia will be laid upon the Table of the House. No intimation has been received that any foreign intervention is contemplated in the event of Prince Alexander not receiving a majority of votes in favour of his proposal. A telegram has been received by the Prime Minister from M. Zankoff and three other ex-Ministers containing an appeal to the British nation. The Prime Minister has replied that the subject of the recent transactions in Bulgaria is attracting the continuing interest of Her Majesty's Government, as may be perceived from the proceedings in Parliament, but that he cannot with advantage carry on a personal correspondence apart from his Colleague the Foreign Secretary.

Lord JOHN MANNERS asked whether the hon. Baronet would supplement the answer he had given by stating whether any protest had been sent against the action of the Prince of Bulgaria?

Sir CHARLES W. DILKE: Sir, I cannot say anything further than what I stated in previous answers. First, I was asked by two hon. Members whether we had made any protest against the main proceedings of the Prince of Bulgaria; and I replied that Her Majesty's Government had not been called upon to express an opinion; but on a later occasion, when asked a specific Question with regard to military courts martial, I stated that a representation with regard to that matter had been made.

EVICTIONS (IRELAND)—RENVYLE, CO. GALWAY.

MR. LABOUCHERE asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether he is aware that ejectment decrees have been granted against the tenants of Mrs. Blake on the Renvyle Estate, in Ireland, although these tenants have all either made themselves the improvements on their farms, or have paid for these improvements to their outgoing predecessors, and although their rents are on an average one and a half times Griffith's valuation; whether his attention has been called to the following statement by Mr. Becker, in his letters to the "Daily News" from Ireland respecting this land:—

> "Below, near the sea, stands Renvyle Castle, whence the name Coshleen, the village by the Castle, the ruined stronghold of the O'Flahertys, who ruled this county long ago, either better or worse than the Blakes, who have held it for some generations, and under whose care it has become a reproach to the Empire,"

and to the following description by Mr. Becker of the tenants:—

> "How any compensation money is to be got for the hundreds of miserable people who inhabit Coshleen and Derryinver I cannot conceive; they have, it is true, potatoes to eat now, and may have enough till February (1881), but their pale cheeks, high cheek bones, and hollow eyes tell a sorry tale, not of sudden want, but of a long course of insufficient food varied by occasional fever;"

and, whether he will inquire into the truth of the above statements, and, if he finds them to be correct, he will refuse the aid of the military and of the police in evicting the tenants on that estate?

MR. W. E. FORSTER: Sir, I am afraid I must detain the House longer than usual with regard to this Question. I fully admit the general fairness of Mr. Becker's description; but I think in this case he must either have been describing some other persons or must have seen these people in very exceptional distress. I have by me special Reports, made during the recent distress in 1879 and 1880, by Inspectors of the Local Government Board sent expressly to this district, which give a much more cheerful account of the appearance of these poor people. On December 21, 1879, Mr. Robinson, one of the Inspectors, reports as follows:—

> "They are a remarkably sturdy, active, and healthy lot of men. Some of them were engaged building and repairing their boats, others fishing, and others digging and collecting turf, all with cheerful, pleasant expressions of countenance. Food they have plenty of at present; most of them have potatoes; but any that have not, being unable to obtain credit for meal, are obliged to resort to the simple expedient of purchasing it, and this they do with the money they receive for the sale of their pigs, fish, or cattle."

He goes on to describe their clothing as warm and comfortable. Dr. Roughan, another of the Inspectors of the Local Government Board sent specially to this district, reported as follows on the 16th of January, 1880. After describing the wretchedness of their cabins, of which there can be no doubt, he says—

> "It is wonderful how buoyant, cheerful, and healthy they appeared. I do not think in any part of Ireland a more apparently healthy race of people could be found. The men advanced in years do not look prematurely old, and the middle-aged and young seemed to enjoy robust health."

I may, on my personal experience, confirm the statements of the Inspector. I was at the village of Renvyle in 1845 and the winter of 1846-7, during the Famine, and again about three years ago. I was struck with the improvement in the health and appearance of the people, though the cabins seemed much the same. With regard to the other statements in the Question, I would refer the hon. Member to a letter from Mrs. Blake which appeared in *The Irish Times* of the 18th of December, 1880, and also, I believe, in *The Standard* about the same date. This letter replies to those of the special correspondents of *The Standard* and *The Daily News*. I have myself just received a Report from the local constabulary and a letter from Mrs. Blake herself. The sub-Inspector states that the people living at Coshleen and Derryinver can compare favourably with those on any other estate in Connemara. The houses of those living by the coast are no index to their means. Two-thirds of these people up to last month had potatoes for sale, while the other third have them at present, at the rate of 4*d.* a stone. I do not doubt that the rents on the estate are above Griffith's valuation; but Mrs. Blake informs me that they have not been raised for 21 years, and then on careful valuation by two independent Roman Catholic farmers, who had no connection with the landlord. Mrs. Blake has 13 processes of ejectment to be executed against tenants who, I am informed by the constabulary, are, in their opinion, all well able to pay, and would do so but for the terrorism of the Land League. The following notice, for instance, was posted in the locality:—"Herds and graziers quit, or else you will get the fate of Lyden. Pay no rent at any cost." Lyden, I may mention, was cruelly murdered, being dragged from his bed at night, and repeated shots were fired at him in the sight of his wife and children. His eldest son, at the same time, was fatally wounded. The terrorism has had its effect; Mrs. Blake now has on hand a farm of about 400 acres of grass land, which no person dare take. One man sent a bullock to graze there. It was taken out to sea at night and drowned. With regard to this farm Mrs. Blake writes—

> "I have now about 400 acres of grass land Boycotted. The tenant who gave up the larger part was taking more land, and offering for some an increased rent. Up to the agitation he had been a good tenant for many years. We bought the interest from the outgoing tenant on one farm, and lost heavily on the other which had been held by an Englishman. The agitators said—'Hunt the graziers.' Afterwards sheep were destroyed, over 120, and the land trespassed night and day; so the tenants noticed me in May, and gave up in November."

As this question has excited much interest, I have thought it right to detain the House longer than usual with my answer. Without doubt, the general condition of this estate, as of many others in Connemara, is a strong argument for the Land Bill before the House; but I am convinced that the charges against Mrs. Blake are unfounded, that she has herself received bad treatment, and that the Government would do wrong to refuse to her the protection of the law.

MR. T. P. O'CONNOR asked the right hon. Gentleman whether he was aware, when making the statement that the rents had not been raised for 21 years, that the valuation then made was, according to the confession of one of the valuators, made for the purpose of a mortgage, and not for the purpose of fixing rent; and that the result of this collusion between the valuators and the late Mr. Blake was that he obtained a large figure upon the estate?

MR. MACARTNEY asked whether it was a fact that a quantity of corn belonging to Mrs. Blake was burned down recently, and that she was afraid to apply for compensation for this malicious injury owing to threats made by local agitators?

MR. W. E. FORSTER, in reply, said, that he was unable to answer the Question of the hon. Member for Galway (Mr. T. P. O'Connor). With regard to the latter Question, his information coincided with that of the hon. Member for Tyrone (Mr. Macartney).

MR. HEALY wished to know how it happened that the right hon. Gentleman was always acquainted with everything against a tenant, but never with anything against a landlord? ["Oh, oh!"]

ARMY (INDIA)—THE INDIAN ARTILLERY—RETIREMENT.

VISCOUNT LEWISHAM asked the Secretary of State for India, If he would state why the officers of the old Indian Artillery are not permitted to retire on the same terms as the officers of the old European Line Regiments; and, whether there is any prospect of the difference being removed?

THE MARQUESS OF HARTINGTON: Sir, the retirement of the two classes of officers referred to proceeds on separate lines under the operation of Royal Warrant. Officers of the Indian Artillery were exempted, in their own interest, from the compulsory half-pay retirement clauses of the Royal Warrant under which officers of the new Line regiments, who were under Indian pension rules, are forced to go on half-pay on less favourable terms of retirement than those offered to Indian Artillery officers, who are exempted from the operation of these penal clauses. The new Line officer who has been compulsorily placed on half-pay cannot on retirement attain to a higher pension than £600 a-year. The old Indian Artillery officer, who is allowed continuous service, can, on electing to retire, attain to a pension of £1,000 a-year. The Indian Artillery officer is at no disadvantage and suffers no injustice from not being placed under the same rules as those which govern the retirement of the old Indian European Line. There is no intention of assimilating the two conditions of retirement.

POOR LAW—FEES TO MEDICAL OFFICERS.

MR. THOROLD ROGERS asked the President of the Local Government

Board, Whether, since the scale of fees payable to the medical officers of Poor Law Unions was furnished many years ago by the Poor Law Board, he would consider the desirability of its revision, especially in relation to those operations for which, as medical science has progressed, the use of anæsthetics is necessary, and therefore the services of an assistant operator is required; and, if he would further consider how far, in the absence of any provision for the payment of such assistant operators, the sufferings of the poor who are constrained to undergo operations might remain unalleviated or be increased?

MR. DODSON: Sir, I will not fail to consider how far it is desirable to revise the scale of fees for operations by Poor Law medical officers in those cases where anæsthetics are required. At the same time, it must be borne in mind that the policy of Poor Law administration has always been, not to encourage difficult operations by Poor Law medical officers, but to endeavour to induce the sending of such cases to public hospitals, where they can be treated with the best attention and skill.

THE NEW COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

MR. MAC IVER asked the President of the Board of Trade, If, in the Return which it is proposed to issue as regards our trade with France, he can see his way to include under the heading of "Manufactures" all those articles which are in reality manufactures, although at present appearing in the Blue Book under the headings of "Articles for Consumption" and "Articles Unenumerated;" and, whether there is any sufficient reason for the Board of Trade statistics continuing to be issued in a form which, by the adoption of a misleading classification, practically understates the general total of the value of our imported manufactures by something like £15,000,000 annually?

MR. CHAMBERLAIN, in reply, said, he had carefully considered the matter with the help of the officers of the Department, and they were unable to identify the references in the Question with the statistics in any Blue Book issued by the Department. The hon. Member was probably under a misapprehension, and if he would communicate with the officials of the Department, they might either convince him that he was in error or consider any suggestions the hon. Member had to make.

FRANCE AND TUNIS—SEARCH OF BRITISH VESSELS.

THE EARL OF BECTIVE asked the Under Secretary of State for Foreign Affairs, Whether it is true that the French Government has admitted the illegality of searching two British ships on the high seas by the French corvette "Leopard;" and, if so, whether any reparation has been demanded for these proceedings; and, whether it is true that M. Roustan has withdrawn a charge of wilful murder preferred by him two months ago against a British subject, Mr. Perkins; and, if so, whether any indemnity has been offered to that gentleman, as well as to Mr. Smith and the British Consular Agent at Bizerta, against whom serious accusations were also made?

SIR CHARLES W. DILKE: Sir, the French Government have admitted that the searching of the *N. Stellä* and *S. Maria* by the French corvette *Léopard* was the result of a misconception of his instructions by the officer in command of that vessel, and the officer is no longer on the station. We have not heard, except from the newspapers, that M. Roustan has withdrawn the charge of wilful murder preferred by him against Mr. Perkins, nor that any indemnity has been offered to him. With regard to Mr. Smith, he was asked by the French General what damage was done to him, and he replied that he did not ask for compensation. We know nothing of the case of the British Consular Agent at Bizerta.

THE EARL OF BECTIVE asked the Under Secretary of State for Foreign Affairs, Whether the attention of the Government has been called to the fact that M. Roustan sent one of his employés a few days ago to accompany the directors of the Societé Marseillaise to treat the Enfida case privately with the Sheik-el-Islam; and, whether, as a matter of fact, M. Levy can now only approach the local authorities through M. Roustan, who at the same time represents French interests in the Enfida case?

SIR CHARLES W. DILKE: Sir, we have not heard that M. Roustan sent one of his *employés* to accompany the Directors of the Societé Marseillaise to treat the Enfida case with the Sheikul-Islam. Mr. Levy and other British subjects will, as heretofore, be able to apply to the British Agent and Consul General in the event of their having business to transact with the Tunisian Government. The question of any inconvenience which may be caused by the double functions discharged by M. Roustan is engaging the attention of the Government.

ARMY ORGANIZATION (EXPENDITURE).

Lord EUSTACE CECIL asked the Secretary of State for War, Whether he is prepared to lay upon the Table any approximate calculation of the additional charge that will fall upon the annual Estimates by the adoption of the proposed changes in Army organisation, and in the increased pay, pension, and retirement of officers, non-commissioned officers, and men, as laid down in the Revised Memorandum to take effect from the 1st of July next?

Mr. CHILDERS: Sir, in reply to the noble Lord, I have to state that it is extremely difficult to estimate the increase or decrease of charge during the first year or two for the pay, half-pay, and retired pay of general and regimental officers, under the proposed system coming into force on the 1st of July, when so considerable a factor in the calculation is the exercise of the option which will be given, especially as to pensions, to officers of different ranks. We have, however, allowed in the Estimates for the following increase this year—that is to say, in general officers' and colonels' retirements about £20,000; in retirements of other officers, some of whom, however, would retire under the present system, £40,000; and for the pay of non-commissioned officers, £45,000. There is no increase in respect of the aggregate pay of other officers, as shown in the revised pages of Appendix to Vote I., already laid on the Table; but, on the contrary, we have a margin for supernumerary officers during the next few years of £44,000 a-year. But I may state that we have estimated the ultimate normal difference between the effect of the Warrant now in force and that which will be established under the two Memoranda now on the Table; and, taking the Effective charge as it stands, the Non-Effective will in the end be about £1,650,000, against about £2,330,000 under the Warrants of 1877-8. This, however, would only completely take effect when the old pension system has been worked out, and the charge for this has not yet reached its maximum.

TURKEY AND GREECE—THE FRONTIER QUESTION.

Mr. ARTHUR ARNOLD asked the Under Secretary of State for Foreign Affairs, Whether he can indicate, by the mention of any place included within its boundaries, the section of territory to be ceded to Greece before July 6th; and, whether he will lay upon the Table of the House a copy of the map referred to in the annex to the Convention of May 24th 1881, showing the six sections of territory to be ceded by the Ottoman authorities—one within three weeks, four within three months, and the last within five months, from the 14th instant, the date on which the ratifications of that Convention were exchanged?

Sir CHARLES W. DILKE: Sir, directions have been given to place the map in the Library of the House of Commons. Copies of it are being printed, and it will be presented to Parliament with the Treaty as ratified.

ARMY RE-ORGANIZATION—SENIOR PURCHASE CAPTAINS.

Sir JOHN KENNAWAY asked the Secretary of State for War, Whether those senior purchase Captains who would, under the old system, have obtained their regimental majorities within three years will be promoted to increased rate of pay on the dates on which they would necessarily have obtained them?

Mr. CHILDERS: Sir, the hon. Baronet has, I think, not observed that the Revised Memorandum, paragraph 62, page 11, provides that any captain becoming one of the two senior majors in an Infantry battalion up to the 1st of July, 1884, will be at once allowed the higher rate of pay. This more than meets what I understand to be the case put on this question.

STATE OF IRELAND—ATTACK ON THE POLICE AT CORK.

MR. DALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that, on the evening of Thursday the 9th of June, Mr. Thomas Travers (at present and for many years past engineer to the Cork Gas Consumers' Company, at Cork), was wantonly assaulted by five policemen near the site of the old Cork and Passage Railway Station at Cork; whether it is true that, on the occasion referred to, Mr. Travers was standing on a small bridge, the only other occupants being a few little children, and that, seeing the policemen about to cross the bridge, Mr. Travers stood aside to allow them to pass, when the police attacked him, knocked him down, and beat him most cruelly with their bâtons; whether it is true that, whilst down and being beaten, one of the policemen stabbed him in the groin with his bayonet, inflicting a severe and dangerous wound; and, whether, if the above recited facts be correct, he will take steps for the prosecution of the perpetrators of this assault?

MR. W. E. FORSTER, in reply, said, that the sub-inspector of police reported that the bridge in question was occupied by a stone-throwing mob; that he thought it necessary to clear this bridge, that when he was doing so he was himself struck by a heavy stick; that after the bridge had been cleared the police were assailed by such a heavy fire of stones, and the place was found to be so exposed, that the men had to be withdrawn. The sub-inspector added that he saw no one knocked down, and that no complaint was made to him at the time. The assault on the police was unwarranted, unprovoked, and premeditated, and some of the mob had been placed in gaol.

MR. DALY said, that the right hon. Gentleman had not answered the Question, Whether at the time Mr. Travers was assaulted he and a few little children were not the only occupants of the bridge?

MR. W. E. FORSTER said, that, according to the information he had received, that statement could not be correct.

MR. DALY (who was received with cries of "Order!") said, he had no wish to detain the House; but he must ascertain from the right hon. Gentleman whether the police were at liberty to assault unprotected men? There were two occasions when the police were on the bridge. He believed it to be the desire of the Chief Secretary to get information, and it was for this reason that he brought this case under his notice.

MR. W. E. FORSTER said, he thought there seemed to be some misapprehension connected with the hon. Gentleman's Question.

MR. DALY said, that what he stated was, that the police assaulted Mr. Travers. [*Cries of* "Order!"]

MR. SPEAKER: The hon. Member is now making allegations, and is not speaking to any Question.

MR. DALY said, he proposed, if necessary, to conclude with a Motion. He wished the Chief Secretary to obtain information as to whether it was not true that while Mr. Travers was down he was stabbed in the groin while the policemen were beating him?

MR. W. E. FORSTER said, that if the hon. Member would place his Question on the Paper again, he would take care that further inquiries were made about it. There was evidently some mistake as to the occasion.

NAVY—H.M.S. "MONARCH"—THE EXPLOSION AT GOLETTA.

SIR H. DRUMMOND WOLFF asked the Secretary to the Admiralty, If he could state what was the nature of the injuries sustained by the "Monarch" at Goletta; whether those injuries would cause her to leave the neighbourhood; and, whether she would be replaced by another vessel of the same character?

MR. TREVELYAN: Sir, a letter describing the accident is expected at the Admiralty to-morrow. Meanwhile, it is known that the gun-cotton which exploded was 2½ lb. in weight, probably the lighting charge of a spar torpedo, and it is likely that the unfortunate young officer who was killed was holding it against his breast. The explosion did not take place on board ship, but in a steam pinnace alongside, and there is no reason to think that the ship is injured. The last telegram from Captain Tryon, of the *Monarch*, is dated yesterday, and says—

"Have sent Condor to Malta with four patients for hospital, with orders to coal and return. William Birch, seaman, died last night. Rest of injured men doing very well."

The friends of Birch have been communicated with, and that is as much as we know at present.

LAND LAW (IRELAND) BILL—CLAUSE 7 —FAIR RENTS.

Mr. M'COAN asked Mr. Attorney General for Ireland, Whether it was intended that the right of application to the Court to fix a fair rent, under Clause 7 of the Land Bill, would attach to all tenancies except those specially exempted in Clause 46?

The ATTORNEY GENERAL for IRELAND (Mr. Law), in reply, said, he thought all cases of present tenancies were covered. It would be understood that leaseholders, during the term of their leases, were excluded. Existing tenants from year to year might apply to the Court.

PARLIAMENT—RULES AND ORDERS— PETITIONS—MR. BRADLAUGH'S SEAT.

Mr. LABOUCHERE said, he desired to ask a Question of the Speaker in regard to certain Petitions presented to this House. Many Members of the House, as well as himself, had lately presented Petitions with reference to the case of Mr. Bradlaugh, praying that he might be allowed to take his seat. In the prayer of these Petitions the following statement appeared:—

"That, by resolution of your honourable House of April 27, the said Charles Bradlaugh has been prevented from complying with the law, and has been hindered from taking his seat. Your Petitioners therefore pray that your honourable House will cause the law to be obeyed, and justice to be done, or that it will forthwith allow Mr. Bradlaugh to take his seat on his making solemn affirmation of allegiance."

It would appear that one of these Petitions had been sent to the hon. Member for Greenwich (Baron Henry de Worms) for presentation, who seemed to have hesitated to present it, and to have taken the opinion of the Speaker on the subject, and, on June 14, the hon. Member wrote to one of his constituents who had sent the Petition to him for presentation in these terms—

"Being unwilling to act on my own interpretation of the passage I have quoted, I submitted the Petition to the highest authority in the House of Commons (the Speaker), and he expressed his entire agreement in the view I have taken, and confirmed my opinion that the Petition cannot be presented."

He wished now to ask whether, in the communication which Mr. Speaker was stated to have made to the hon. Member for Greenwich, the right hon. Gentleman meant that the Petition in question was so worded that a Member of the House was justified in exercising his discretion in presenting it or not, or whether, if it were presented, it could not be received by the House?

Mr. SPEAKER: The hon. Member for Greenwich (Baron Henry de Worms) called my attention to this Petition last week. I examined the Petition, and certainly the prayer of it contained the words which have been quoted by the hon. Member for Northampton; and it seemed to my mind that they bore the construction that this House, in the course it has taken in regard to Mr. Bradlaugh, has taken a course which is illegal. I stated to the hon. Member for Greenwich that if that was his view of the construction to be placed on the Petition, he would be justified and warranted in declining to present it. The hon. Member for Northampton further asks me whether the Petition could not be received by the House? That is a matter for the determination of the House. I only stated to the hon. Member for Greenwich that he would be justified in declining to present the Petition.

ARMY ORGANIZATION—THE MEMORANDUM.

Sir WALTER B. BARTTELOT asked, Whether the Prime Minister could state what day had been definitely fixed for the discussion of the scheme of the Secretary of State for War?

Mr. CHILDERS, in reply, said, that he would state to-morrow the exact day which could be set aside for discussing this scheme.

Mr. ONSLOW wished to know what additional expense would be thrown on the resources of India by this scheme, and whether any communications had been received in relation to it from the Viceroy of India in Council?

The Marquess of HARTINGTON requested that the hon. Member would give Notice of the Question.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [ELEVENTH NIGHT.]

[*Progress 17th June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 3 (Increase of rent to attract statutory conditions or enhance price on sale).

Mr. HEALY, in moving, in page 3, line 35, to leave out the words "a present," in order to insert the word "any," said, that he had moved this Amendment on Friday; but it was necessary that he should do it again. It was considered on Friday that the matter was too important to be allowed to be disposed of at a late hour of the evening, and therefore Progress was reported in order that the question might be considered to-day. He understood the Government to make this concession—that there should be no future tenancies arising out of present arrears, and also, in general terms, that they would consider the question of the leaseholders. It was, however, most desirable that the Amendment should be discussed before the matter was finally disposed of. The point on which he desired information in regard to a leaseholder was this. After the passing of the Act, unless the landlord permitted him to go on as at present and accepted the rent from him, a future tenancy would be created. When a lease expired the owner of it had no further right to the land. If the landlord wanted to make the man a future tenant he would at once serve him with a notice to quit and refuse to accept rent from him; but if he accepted rent from a man who had been a leaseholding tenant, he would then become a present tenant. ["No!"] That was a matter of opinion. His (Mr. Healy's) opinion was that if the landlord accepted the rent from a leaseholder the leaseholder would become a present tenant. At the expiry of a lease the leaseholder would have no further rights, because the landlord might, if he chose, evict him; and he wished to get a distinct understanding from the Government on that point. In the case of judicial leases every man, on their expiry, would become a future tenant. He did not see why it should be distinctly laid down that the holder of a farm who had a judicial lease should be a future tenant. But the real importance of the matter was that there had been, as everybody knew, a series of bad seasons in Ireland, and, in consequence, the tenants were very much in arrear of rent. Yet, in every case where a notice had been served, the tenant, if evicted and reinstated after the Act passing, would become a future tenant. The Chief Secretary for Ireland said there would be six months for redemption. That was perfectly true; but it was a mockery to tell a man who had not 1*d*. in the world that he might redeem by paying up arrears in the course of six months. At the Easter Sessions he believed that some 3,000 notices to quit had been taken out, and the entire amount of the debt outstanding thereupon amounted to not more than £80,000—£80,000 upon 3,000 holdings. He presumed that the tenants were in a position to pay half the amount due, and, whether or not, the Government within the last two months had spent more than twice that sum in marching and counter-marching troops in order to insure the serving of the notices. Let the Government, then, make up the balance to the landlord. It was imagined that there was a wish to do the Irish landlords some injury. There was nothing of the sort. He had no objection to their getting as much compensation out of the Imperial Treasury as the Imperial Treasury would give them. The late Conservative Government proposed to give the insurgents of the Rhodope Mountains, as a present, the sum of £100,000 in aid of their necessities; and surely Her Majesty's present Government might boldly make an offer to pay this amount of indebtedness of the Irish tenants out of the Treasury. He did not think the demand was an extraordinary one, because the State, in times past, had constantly had to relieve the necessities of the people by making extensive grants of public money. That, however, was really one branch of the question. The fact was that these arrears did exist, and if the Government did not relieve the distressed occupiers of the land by making them present tenants and giving them some advantage under the Bill there ought to be some alternative proposal. The fact was that they could not pay the arrears, and if they were unable to do so they must, by the Bill as it stood, be left as future tenants unable to take advantage of the provisions of the measure. He was anxious to have a statement from the Government upon the question of these arrears, and unless he got a distinct intimation that something would be done to provide for the case he had mentioned he should certainly feel bound to press the Amendment to a division.

Amendment proposed, in page 3, line 35, to leave out the words "a present," in order to insert the word "any,"—(*Mr. Healy*,)—instead thereof.

Question proposed, "That the words 'a present' stand part of the Clause."

Lord EDMOND FITZMAURICE said, the observations which had been made by the hon. Member for Wexford (Mr. Healy) were somewhat general; but still they were relevant to the substance of the issue before the Committee. And it was a very important issue indeed—namely, whether or not there was to be a distinction drawn between present and future tenants. He understood that to be the issue upon which the hon. Member was anxious to obtain an opinion from the Government. In the debate upon the second reading he (Lord Edmond Fitzmaurice) declared that upon this matter there was no half-way house; they must either accept the Report of the O'Conor Don, and the minority of the Commission, and the principles which underlie that Report, or they must have the courage of their opinions, and go on and admit future tenants to the benefits of the Bill. They had now reached this point—by the 1st section of the Bill, future tenants were admitted to the right of free sale; and, therefore, he was bound to say, when he considered the question in detail, that on the whole, in regard to the exception of future tenancies, they were contending more for a shadow than a reality. Although it was not his intention to vote against the Government, whatever their decision might be, nor to annoy them by setting up issues which he knew to be unnecessary, because he knew the difficulty of the task they had undertaken, he desired to express his individual opinion that Her Majesty's Government, in making a concession, would not meet with much opposition from those who, on some points, had been obliged to take an independent line from them. He had already said that, in his opinion, those who were contending for the reception of future tenancies were contending for a shadow rather than a reality, and he wished to explain what he meant by that. How could a future tenancy arise? As far as he understood this rather complicated clause of the Bill, the future tenancy could only arise in one of four ways—either by the expiration of the lease, by one of those acts which constituted a forfeiture, and which were mentioned in Clause 45, or in a case where mesne land now unlet was let by the landlord, or in a case in which the landlord had exercised the right of pre-emption. It would be in the recollection of the Committee that in the last two cases, the case of mesne land, and land in regard to which the landlord had exercised his right of pre-emption, the question was raised by the hon. Member for Stroud (Mr. Brand) on the 1st clause. His hon. Friend was met in a cordial and conciliatory manner by the Prime Minister, who undertook to deal with the matter on the 17th clause by giving the landlord and the tenant full right of contract. In these two cases the landlord would be in possession of the land, and would be able to fix his own contract. Therefore, future tenancies would be in reality, for all practical purposes under the Bill, confined to the cases of leases and forfeiture. The case of the leaseholders was one on which a great deal might be said, and when the Committee reached the clause at the end of the Bill that dealt with leases, they would be able to consider all questions arising out of a lease, and the termination of a lease. Speaking for himself alone, he was anxious to meet the Committee on this point in a perfectly fair and candid spirit. He was informed that there might be some existing leases in Ireland which it would be desirable to bring under the the purview of the Court. Therefore, although he was not anxious to pledge himself upon the question, he wished to allude to it in order to show that he was not proceeding in any way with his eyes shut. He had no desire to see the Bill passed into law without giving the Court power to put an end to the burning sores which now existed on the question. He knew that some hon. Members were always ready to put an unfavourable construction upon everything that came from that (the Liberal) part of the House; but he was anxious, if possible, to meet those who believed that some of these leases ought to be looked into, and that in all these cases it was not desirable that the tenant should be relegated, at the end of the lease, to the position of a future tenant. Upon all these points he was open to conversion. Lastly, he came to the case of forfeiture, which was dealt with in Clause 45. Forfeiture was to constitute a termination of the present tenancy and the beginning of a future tenancy. In the discussion raised by his hon. Friend the Member for Stroud he (Lord Edmond Fitzmaurice) had himself said, and he would repeat it again, that, in his opinion, the acts of forfeiture mentioned in Clause 45 ought not necessarily to terminate the present tenancy. There was not that cessation of continuity that arose in other cases. It would be hard for a trifling act of neglect of duty on the part of a tenant to expose him to the risk of losing the rights which his neighbour on the other side of the road enjoyed. There would, undoubtedly, be a danger of having a certain number of small patches of territory scattered over Ireland where one tenant would be excluded from the right of applying to the Court, while his neighbour on the other side of the road, and all around him, would possess that right. By enacting a provision which would constitute such a state of things instead of allaying the present agitation they might unwittingly create a new one. He had thrown out these suggestions in the hope that, on the whole, the Committee would be able to arrive at some way out of the difficulty; but if Her Majesty's Government decided to stand by the present framework of the Bill he should not go into the Lobby against them, because he knew that their task was a difficult one, and he had no wish to embarrass them.

SIR STAFFORD NORTHCOTE: I think it is important, before we go any further into this matter, that we should know distinctly what the views of the Government are on the question of present and future tenancies. I confess that I was not entirely clear on the last occasion as to the intent and meaning of some of the language used by the Prime Minister. It seemed to me that my right hon. Friend left the question more open than was altogether convenient. As far as the matter had gone, I understood the hon. Member for Cork (Mr. Parnell) was prepared at that time to withdraw his proposed Amendment. I do not understand that he now proposes to withdraw it, but he engages that there shall be no distinction between present and future tenancies; and I understand the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) to incline to the same opinion, subject, however, to the view which the Government may take of the matter. Now, this Bill is drawn throughout on the assumption that there is to be a distinction between the present and future tenants; and in discussing it upon the second reading and in Committee, the discussion has proceeded on the assumption that there would be a different treatment of those who are called "present tenants" and those who are spoken of as "future tenants." This may make a very material difference in the way in which we look at the Bill, because there are some things in the Bill which we have great difficulty in accepting at all. We shall, undoubtedly, feel that difficulty very much increased if we are told that we are to accept these proposals, not only to meet a temporary and special emergency, but that we are to accept them as being part of the law which we intend to lay down as the general law in regard to the relations between landlords and tenants in Ireland. Now, it does seem to me that if the Bill is to be placed upon that footing, and, as the Prime Minister pointed out the other day, if Amendments are to be introduced which would carry with them the amalgamation and the identification of present and future tenancies, we should be taking so serious a step that we should have carefully to consider what our course is to be on a good many questions that may arise. I therefore hope that the Committee will be made acquainted as early as possible with the views and intentions of the Government on this very important point.

Mr. GLADSTONE: I should be very sorry if, through any error of my own, I failed to convey the opinions and intentions of the Government with sufficient clearness on Friday last; but I think my right hon. Friend who has just spoken must have somewhat misapprehended the effect of what fell from the hon. Member for the City of Cork (Mr. Parnell), which was, in point of fact, a mixture of minor and major questions, in which certain bye questions were mixed up with questions of great weight and importance, relating to the structure of the Bill at large. The hon. Member who moved the Amendment on that occasion thought fit—I do not find fault with him, although I did not see the object of the proceeding—the hon. Member thought it his duty on that occasion to mix up the distinction between present and future tenancies with questions which, however important in his view, are separate and bye questions—first of all, as to arrears; and, secondly, as to the position in which certain persons would be placed under the Act of 1870 when the leases expire. What I stated—and, I hope, stated clearly—on Friday was that, undoubtedly, the Bill was framed throughout on the assumption of a distinction between present and future tenancies; and either to efface that distinction generally, or to bring it into a state of confusion, would be a matter of so much importance, that I trusted no propositions would be made having that tendency, without full consideration of their consequences and effect. I also certainly intimated that the Government, having framed the Bill on that assumption, had no change of intention to announce in respect of it, and that it was our intention to adhere to the distinction. Of course, when we come to the application of that principle in detail, although adhering to the distinction, we may give effect to it in different ways. A variety of points in regard to which discussion may arise may be raised by different Amendments as to what is to constitute future tenancies, and what may be the incidents of such future tenancies. I am not speaking of these now in detail; but I am speaking of the general distinction between the two classes of tenants which was undoubtedly in our mind when we framed the structure of the Bill. What I stated on Friday, and what seemed, I was glad to see, to produce some effect on the mind of the hon. Member for Cork—although, for once, the hon. Member for Wexford (Mr. Healy) was scarcely willing to accept what I thought very good advice—what I stated on Friday was that the Government were of opinion that upon the whole it was not desirable that future tenancies should arise out of past arrears, or that where a tenant had contracted to sell the conditions of his tenancy before the passing of the Act, any proceeding arising out of that purchase of the conditions of the tenancy should not apply to future tenants. Now, in a difficult matter of this kind, I do not think it is desirable that the Government should tie themselves absolutely to the terms of any given change, until we come rather more near the time when they can be adopted. What is desirable is that, in the first place, the Government should make sure that they know exactly their own meaning and their own grounds, and then state the words in which they desire to give effect to them. With respect to the other point—the point having reference to leaseholders—I must say that it is a question that ought to be settled in a general discussion. A discussion of some nicety may arise as to leaseholders under the Act of 1870; but it really has no connection with the clause now under consideration. I stated to the hon. Gentleman the Member for Wexford (Mr. Healy) that it must of necessity come up for discussion again, and that when it did so I should address myself to it in an impartial spirit. It does not touch the general construction of the Bill, and I think it will be much better to wait until we can hear the arguments fully stated on the relative Amendments. That would be the most convenient course; and I must therefore decline to discuss the question on the present occasion. The present discussion is confined, I understand, to the distinction between present and future tenancies.

The O'DONOGHUE thought the Amendment raised by his hon. Friend the Member for Wexford (Mr. Healy) was one of very great importance, and congratulated his hon. Friend upon having secured the valuable support of the noble Lord the Member for Calne (Lord Edmond Fitzmaurice). Personally, he confessed that he could not view without serious apprehension the distinction it was proposed to draw between present and future tenants. That distinction constituted, beyond all doubt, a blemish in the Bill. In the course of his introductory speech, the Prime Minister referred to a time when he hoped Ireland would return to the principle of free contract; but it occurred to him (the O'Donoghue) that that period would never arrive, and, indeed, he made that remark at the time to an hon. Friend sitting near him. It was clear that the Bill, as it now stood, placed in the hands of the landlord the power of creating future tenancies, and that he would be anxious to exercise the power from a desire to get a class of tenants with whom he might deal as he pleased, upon the vital question of rent. In passing the Bill as it stood, Her Majesty's Government would be placing at the disposal of the landlord the machinery for establishing the very state of things which the measure was brought in to do away with—namely, the creation of a class of occupiers who would be very liable to be rack-rented. When it became known in a district that a tenant was about to sell his tenancy, the landlord, no matter how poor he might be, would find the means of purchasing the tenancy. He would be assisted by a number of persons, who would offer him money for the purpose of paying for the holding and coming into possession of the tenant right in the place of the outgoing tenant. The Bill conferred upon the future tenant every advantage except that of having the rent fixed by an independent authority; and that in itself would stimulate what had been called "land hunger," and induce persons to come forward and offer money to the landlord, taking their chance as to what amount of rent might be imposed upon them, and trusting to future agitation to place them in the position of present tenants at some not very remote period. It was perfectly clear that the Government contemplated the creation, by the landlords, of future tenancies, because upon turning to the 45th section of the Bill he found, by sub-section 2, that—

> "Where a present tenancy in a holding is purchased by the landlord from the tenant in exercise of his right of pre-emption under this Act, and not on the application or by the wish of the tenant, or as a bidder in the open market, then if the landlord within fifteen years from the passing of this Act re-lets the same holding to another tenant, the same shall be subject from and after the time when it has been so re-let to all the provisions of this Act which are applicable to present tenancies."

Now, it was plain that there were difficulties thrown in the way of the landlord in creating a future tenancy; but it seemed to him that the landlord would always be able to bid himself, or find somebody to bid for him, in the open market. He should certainly be glad if the Government could see their way to doing away with any distinction between present and future tenancies; and he hoped, in any case, that his hon. Friend the Member for Wexford (Mr. Healy) would press the Amendment to a division.

SIR GEORGE CAMPBELL believed that a considerable step forward was taken by the present measure, in comparison with the Act of 1870, in respect of present tenancies. He hoped that the distinction between present and future tenancies would be maintained; but he thought the Government were acting rightly in providing that future tenants should have reasonable security for their improvements and against disturbance. He certainly failed to see, where a present tenant parted with his holding, why the purchaser should be looked upon as a future tenant.

MR. EDWARD CLARKE thought there would be some difficulty in dealing with this Amendment after the way in which the Prime Minister had spoken a few minutes ago. The proposal of the hon. Member for Wexford (Mr. Healy) was to omit the words "present tenancy" and substitute "any tenancy." If it were rejected, the words "present tenancy" would remain in the clause, and it would not be possible at a later period to raise the question whether there should be a distinction between present and future tenancies or not. He, for one, looked upon this question as one of the most important in the whole Bill. It had been pointed out from that (the Opposition) side of the House, and admitted on the other, that this particular matter affected the whole framework of the Bill. The Bill was drawn up on the clear understanding that there should be a distinction between present and future tenancies; but he confessed, for his own part, that he regarded the distinction as a mischievous and unnecessary one. The existence of the distinction seemed to have reconciled some hon. Members to the other provisions of the Bill, notwithstanding that the measure interfered with the freedom of contract, and gave unprecedented powers to a tribunal to make contracts between party and party. It seemed to be thought that these extraordinary provisions were the less mischievous because the Bill contemplated that they would be temporary. It seemed to him, however, that that would aggravate the mischief rather than reduce it. They were doing that which was admitted to be wrong in principle for the sake of a temporary advantage. But he was of opinion that the distinction between present and future tenants would be productive of serious mischief in the future. His hon. and learned Friend the Member for Dundalk (Mr. C. Russell) was quite right when he said that directly this Bill came into operation it would begin, in one way or another, the creation of a new class of future tenants, who would be occupying holdings side by side with present tenants enjoying very large rights under the Bill. Future tenants, holding the same description of holding, nearly contemporaneous in their occupation of their farms, but differing in the fact that they had separate and inferior legal rights, would be certain, in the course of a very few years, to raise up a fresh agitation. The future tenants would be constantly increasing in number, and would year by year become a more important class, acquiring a larger amount of political power. It would, therefore, be inevitable that an agitation would spring up, and they would have the old dismal story of discontent and dissatisfaction increasing and growing in vigour year after year, in order to induce Parliament to expunge the distinction the Government were now proposing to establish. It must not be supposed that he was speaking as a friend or supporter of the Bill. On the contrary, he should very much like to see it defeated; because he regarded it as mischievous, and thought that it did, by complex and troublesome means, that which might be done in a much more simple manner, and without interference with the freedom of contract. But, on the assumption that it was to pass, he desired to express the opinion he entertained that the distinction between present and future tenancies would have a very injurious effect in the future. He was, therefore, anxious to ascertain from Her Majesty's Government upon what Amendment it would be most convenient to argue the matter out and to take a division. He could understand the course proposed to be taken by the Government if it were intended that the words in the clause should stand as they originally appeared, and if the right hon. Gentleman the First Lord of the Treasury were then to point out the section upon which the question would be dealt with subsequently; but he thought there would be a difficulty in dividing upon the Amendment of the hon. Gentleman the Member for Wexford, after the somewhat ambiguous language of the right hon. Gentleman the Prime Minister, and in the absence of information as to the manner in which the question could be raised hereafter.

MR. GLADSTONE: I thought I had plainly indicated that it was undoubtedly our intention to affirm the distinction between present and future tenancies; but we do not affirm all the particulars as they stand in the Bill, and propose that they should be discussed more in detail on a subsequent portion of the Bill.

MR. LITTON said, the argument of hon. Members on the other side of the House was that there ought to be no distinction whatever, but that there ought to be all present and no future tenancies. To himself, personally, it certainly seemed that this was not the proper place to raise that question, and he would call the attention of the hon. Member for Wexford (Mr. Healy) to the fact that there was a Definition Clause in the Bill, and that the question might be properly raised when they came to consider that clause, without putting the Committee to the trouble of a division now. It appeared to him that the present difficulty arose solely upon the definition of "a present tenant." He was one of those who maintained the advantage of drawing a distinction between the present and future tenant as stated in the Bill; but, in saying that, he was clearly of opinion that the term "present tenant" ought to go further than it was thought it would, having regard to the definition contained in the present clause. It ought to include those who were subjected to the effect of present arrears, as well as those who continued and succeeded in present tenancies. Such persons ought to be included in the benefit conferred upon present tenants. Going still further, he thought that leaseholders, on the expiration of their leases, should have the benefit of a present tenancy, and he was prepared to argue that question when the right time came. But, beyond that, he maintained that according to the whole structure of the Bill, and according to the principle that underlay it, the maintenance of future tenancies should be preserved as between persons—he would not call them landlord and tenant—but between owners and proposing tenants as a matter of contract. He would ask the attention of the Committee to the definition in the Bill of "a future tenant," because he thought the whole difficulty arose from that definition, and it was upon that ground that he asked the hon. Member for Wexford to postpone the consideration of his Amendment until they arrived at the Definition Clause. That clause provided that a present tenancy should mean a tenancy subsisting at the time of the passing of the Act, while a future tenancy meant a tenancy after the passing of the Act. He would suggest to his right hon. and learned Friend the Attorney General for Ireland that he should bear in mind the discussion that had now taken place, and make the definition of a future tenancy run something in this way—"That a future tenancy should be a tenancy created after the passing of the Act on a holding which had not been subjected to a present tenancy at the date the Act passed, or for 15 years prior to the creation of the tenancy, where a present tenancy has been purchased out by the landlord." That would exclude from the future tenancy every case of a subsisting holding. As regarded the general structure of the Act, and the principle underlaid in it, he was clearly of opinion that the position must be maintained of a future tenant in regard to those owners of lands who had never let their land or who had acquired by purchase the occupier's rights.

LORD RANDOLPH CHURCHILL thought the object of the Government, in establishing this broad distinction between present and future tenants, was a very excellent one, and was intended, as far as possible, to mitigate the evils more or less inherent in any interference with freedom of contract between landlord and tenant. As far as regarded the existing landlords of Ireland, he thought the distinction was a thoroughly sound one. But there was one point in respect of future tenants which he should like to suggest to the Government, and have their opinion upon. It was impossible to consider any Amendment in a Bill of so complicated a nature without considering the effect the Amendment would have on other portions of the measure. They had in the second part of the Bill a large provision for the creation of owners by transforming occupiers into owners of land, and he imagined that that portion of the Bill was not prepared as a blind, but that it was meant to be worked out in a *bonâ fide* manner, and with something in the shape of liberality. He took it, therefore, for granted that there would be a great and rapid increase of owners of land in Ireland; and he wished to point out that the small owners, from 10 and 20 to 100 acres, would sub-let, and in this way they would create future tenancies. It was not only certain that they would sub-let, but it was equally certain that they would rack-rent. He would point out to the Government the effect of that operation. They were intrusting small owners of property, from 10 acres to 100, with a power which they refused to give to the great landlords of Ireland, such as the Fitzwilliams, the Lansdownes, the Dukes of Devonshire, and landlords of that stamp. What they said was this—"We will not intrust you with the power of making a free contract with your tenant; you are not to be trusted. But we will say to the little man who comes in in consequence of this Bill, and who has none of the experience of the landlords of large property, and whose end, and aim, and sole object is to rack-rent the property as highly as he can—'You shall create future tenants. That is the power we give to you, but we will not give it to the present landlords of Ireland.'" He would suggest to the Committee that that would prove a serious difficulty, and that in the step they proposed to take they were, undoubtedly, laying the germ of considerable future agitation. He did not suppose that that was purposely done; but hon. Members who were acquainted with real life—for instance, a man who had to undertake the repair of his own house—knew that it was the custom of the bricklayers, the carpenters, and the builders he engaged to leave something or other that should be defective in order that a future generation of bricklayers, carpenters, and builders should have something to do. It appeared, therefore, to him that they were purposely laying a nest egg for future agitation in providing for the creation of future owners who would be rack-renters, and in this way tenants would be absolutely deprived of any protection whatever. He certainly thought that that was a point well worthy the attention of the Government.

Mr. VILLIERS-STUART said, he hoped that the principle of the Amendment now before the Committee might be accepted by the Government. He thought the very object of creating a Land Court was to prevent rack-renting, and that object was as important as regarded future tenancies as in regard to present tenancies. There was, of course, the objection, from a landlord point of view, that if the future tenant had access to the Court it would deprive the landlord, to a certain extent, of the power of benefiting by his right of pre-emption; but he thought that it was very desirable that the landlord who took advantage of the privilege of pre-emption should recoup himself by a fine rather than by imposing an increased rent. He knew by experience that the form of repayment an Irish farmer most strenuously objected to was that which took the shape of increased rent. He was satisfied that the nearer the principle of Irish land tenure could be brought to the form of fixed tenancies the more satisfactorily it would be found to work. In the case of future tenants, there must, of course, be an initial rent; and he would suggest that in such cases if, at the end of three years, a tenant was dissatisfied with his rent, he should have free access to the Court in order to show that he was rack-rented, and he would give the benefit of that principle not only to leaseholders, but to all persons who occupied the position of future tenants.

Mr. MARUM said, he would quote a few statistics to show the number of leaseholders who would be materially affected by the changes proposed to be introduced by the Bill. There were 63,759 leases for terms under 31 years, 47,623 for terms above 31 years, 13,712 tenancies in perpetuity, and about 10,000 other leases—making altogether 134,000 leases that would come under the operation of the Act. This composed the area which was to be excepted from the operation of future tenancies. One of the statutory conditions which constituted a present tenant was the payment of rent. The non-fulfilment of that obligation would render the tenant liable to ejectment, and he could only be rehabilitated and continue in the position of future tenant by paying up the arrears. In regard to the other tenants, in what position would they stand? At Common Law, and before the Ejectment Code was established, the rule of law was that a Court of Equity might interfere, and equitable jurisdiction would attach wherever forfeiture had been incurred, and upon reasonable compensation the broken statutory condition could be repaired. It was upon that understanding that a large number of statutes, commencing with the Statute of Anne and going down to the Decies Act, had been passed. He certainly wished to have the opinion of the Law Officers of the Crown whether, under the present Bill in the case of a broken covenant, the same equitable jurisdiction would apply; and whether, under a broken statutable condition, the tenant would not have an equitable right to be rehabilitated in his status as a present tenant on satisfying all the demands against him. If that were so, the number of tenancies which would be brought under the statutory conditions would be materially diminished. There were two species of statutory conditions, of one of which the tenant might have availed himself, but not the other; and being merely a tenant from year to year he might be placed at a disadvantage. But if he was in a position to rehabilitate himself, he apprehended that the tenant would have the right to institute a suit in equity. In his opinion, the present Bill ought to deal with that question, and should not deprive a tenant of the relief which would be given to him by a Court of Equity. He believed there was an Equity Clause in the Bill—Clause 8—and if that were taken in conjunction with the 18th Equity Clause of the Land Act, adequate provision might be made in the present measure. By this means a great deal of the objection now taken to the Bill would be removed, a good deal of hardship would be diminished, and a large number of tenants who had broken the statutory conditions under which they occupied their holdings would be prevented from becoming future tenants. He certainly trusted that neither in Ireland nor in any other country wherever a partnership existed the time would arrive when one partner would be able to come in and seize and confiscate the share of his brother partner. He hoped that Her Majesty's Government, before they decided absolutely to reject this Amendment, would consider fully whether they intended to withdraw this very large class of persons from the equities of the clause.

Colonel COLTHURST asked the hon. Member for Wexford (Mr. Healy) to consider whether, after the opinions which had been expressed, he would not forego a division upon his Amendment? The support which the Amendment had received from the noble Lord the Member for Woodstock (Lord Randolph Churchill) and the hon. and learned Member for Plymouth (Mr. Edward Clarke) did not come from those who were in favour of the Bill, but from those who, in his opinion, desired to throw upon it a certain amount of ridicule, and who did not wish it to succeed. He agreed that it was a misfortune that the Government should have introduced in this clause a distinction between the present and future tenant. Still, he thought it was necessary to take matters as they stood, and endeavour as far as they could to mitigate any hardship that might arise, by taking care that the number of future tenants should be as small as possible. It had been stated that the Bill was merely a temporary measure, because at a future time tenants would pass from under its operation. But that, he contended, was not the case. Even as the Bill was drawn the great majority of tenants would always be present tenants, because future tenants could only be created by certain breaches of contract, under their present occupations. He appealed to the hon. Member not to press his Amendment to a division, but to wait and see whether the Prime Minister would not deal with the question in a satisfactory manner.

Dr. COMMINS thought the hon. Member for Wexford ought to take the opinion of the Committee upon the Amendment. The clause applied to leaseholders quite as much as to non-leaseholders. The definition of the term present tenancy in the 44th clause—namely, that it meant "a tenancy subsisting at the time of the passing of this Act," undoubtedly included all leaseholds, or ought to do so. Why was this provision introduced at all, if not for the purpose of establishing fair rents between the landlords and tenants in Ireland? It was introduced because freedom of contract did not exist between these parties, and there was less freedom of contract between leaseholders and their landlords than there was in the case of that body who were tenants-at-will or from year to year; the acceptor of a lease was as little a free agent as was a person obliged to submit to whatever rent the landlord imposed. The clause, as it stood, would therefore exclude some 135,000 persons, many of whom were leaseholders, from the benefit of the Bill, and would thereby inflict serious injustice upon them, leaving the worst portion of the evil intended to be done away with still in existence, and sowing the seeds of future discontent, which would render it necessary, at some future time, to take up the whole question again. Further, if the tenant was to be deprived of the benefit of the provision for fixing the rent, the result would be a tendency on the part of the landlord to take advantage of every forfeiture, and of the provisions of the 45th clause, which provided that a tenancy, subject to the operation of the Act, should cease to be subject thereto as soon as there was a breach of any of the statutory conditions, one of which being that the rent should be paid when due. One of the evils sought to be guarded against was the evil of eviction; but he ventured to say that if the present clause was left in its present form, and if no alteration was made in the 45th clause, there would be quite as many evictions after the passing of the Act as there were at the present time, because every landlord would try to get his tenancies under statutory conditions, the breach of any one of which would, according to the 45th clause, determine the tenancy. Therefore, he contended, it was not wise or just to continue the distinction made by the clause as between present and future tenancies.

Mr. CHARLES RUSSELL said, he entirely disagreed with his hon. and gallant Friend (Colonel Colthurst) with regard to the reasons urged by him upon the hon. Member for Wexford (Mr. Healy) for not putting this Amendment to a division. His hon. and gallant Friend seemed to think that because it had been supported by some hon. Members on the opposite side of the House, hon. Members on that side, who were in favour of the Bill, should not press the Amendment. For his own part, he considered that both this and other Amendments should be considered by the Committee upon their merits. He agreed that the Amendment would work a considerable alteration in the structure of the Bill; but he considered that the effect of that alteration would be, on the whole, grateful to the Committee, because it would tend to the simplification of the measure. He was not prepared to say, and he wished to guard himself from being supposed to say, that it might not be necessary to consider some distinction in certain cases between existing and future tenancies; but he did disapprove of this wide and sweeping line of demarcation between them. What was the logical basis on which the Bill rested? It was that the tenants of land in Ireland being, generally, weak and helpless, should be placed under the protection of some independent tribunal; and if they were to draw a distinction between present and future tenants, they must, in order to make it a logical distinction, satisfy the Committee that the future tenant would not be weak and helpless in the matter of tenancy contracts. Take the case of tenants who were under ejectment not yet executed for a large amount of arrears. It was true that if within the redemption period they could discharge the arrears, they would be admitted to the rights and status of present tenants; but supposing they were not able to pay and desired to enter into a bargain with the landlord, say for the part payment of arrears, they would not be so admitted. To leave this broad distinction as it stood in the clause would be to offer a number of inducements to the landlords for ending and breaking up existing tenancies. The experience of the working of the Act of 1870 threw some light upon this point. Many hon. Members might, perhaps, not be aware that the cases bearing upon the question of the termination of present tenancies, and the creation of future tenancies, ran very fine indeed. It had been decided in Ireland by Mr. Justice Fitzgerald, and afterwards by the Court of Queen's Bench, that where a landlord had said he could not allow a tenant to continue unless he had some security, and the tenant brought in a guarantor as one of the lessees, that this was an ending of the old tenancy and the creation of a new tenancy. Again, it had been decided in the English Courts that if a landlord gave a tenant notice to quit the tenancy was thereby determined; and, further, if the landlord waived that notice, that this was not a continuation of the old tenancy, but the creation of a new tenancy. Then take the cases referred to by the hon. Member for Kilkenny (Mr. Marum), which involved the breaches of statutory conditions other than that for the non-payment of rent. The landlord, seeing the lever these would put into his hand, would be ready to bring his action for ejectment, because he knew that this would enable him to create a fresh tenancy. The broad distinction, therefore, contained in the clause would not only create difficulty, but, in his opinion, injustice and hardship. He submitted to the Prime Minister that, if he desired to maintain in this Bill, or leave open in the future, freedom of contract—a remote thing, as he (Mr. Charles Russell) feared, in transactions of this kind in Ireland—the logical way would be to exempt all tenancies within a certain limited period—say 21 years — after the passing of the Act. This would give an opportunity for seeing whether cases had arisen in which the action of an independent tribunal was necessary.

Mr. GIBSON said, he had listened with the greatest attention to the arguments adduced in the course of the lengthened discussion which had taken place upon the Amendment of the hon. Member for Wexford. He had read the clause with all possible care, and heard the statement which the Prime Minister had made that evening; and, upon the whole, he was in favour of retaining the distinction in the clause between present and future tenancies. He had arrived at the conclusion that this was almost the only prospect of a return to anything in the shape of freedom of contract between landlord and tenant in Ireland. They were not then discussing the question in its entirety; but, at the same time, it must be borne in mind that if this distinction were obliterated in the 3rd clause, it would have necessarily a most substantial bearing upon the whole progress of the Bill. It would practically necessitate the redrafting of the Bill in some of its most salient features, while it would unquestionably interfere with the proceedings of that night. While he forbore to express any opinion upon the views indicated by the Prime Minister, with which it was possible he might not agree, he was obliged to observe that the hon. and learned Member for Dundalk (Mr. Charles Russell) had hardly approached the question at all, in suggesting that there were difficulties and injustices which would be created by drawing an apparently arbitrary line of distinction between the two classes of tenancies. The hon. and learned Member had shown no reason why there should not be a distinction.

MR. GLADSTONE: The observations of the right hon. and learned Gentleman opposite (Mr. Gibson) have been strictly upon the point now before the Committee. We are considering simply the question as to whether there is to be a distinction; and therefore no hon. Member, even who votes for the Amendment, would be committed to the extent of particulars. With respect to the speech of the hon. and learned Member for Dundalk (Mr. Charles Russell) I submit that it was entirely a statement of particulars, and he himself admitted that there must be a distinction. Again, one hon. Gentleman has said that future tenancies ought not to be allowed to grow up on account of breaches of contract; another that existing leases should not be excluded. But all these are questions of detail which must be gone through in a series. The question now is whether there is to be a distinction at all. I must point out that if no distinction were made the Bill would become excessively stringent and severe, in consequence of the exceptional character of some of its provisions. For instance, to say that no hitherto unlet land should be brought under letting at all, except upon the very peculiar conditions which we propose to establish for present tenancies, is, I think, a proposition so extreme that the Committee would not for a moment entertain it.

MR. MITCHELL HENRY said, had it not been for the speech of the hon. and learned Member for Tyrone (Mr. Litton), he would not have thought it necessary that the Amendment should go to a division. But the speech of the hon. and learned Member had put a great difficulty in his way, and he believed it would be found that the hon. and learned Member was the only Irish Member who approved the distinction set up by the clause; and were it necessary to demonstrate that to the Committee, there could be no question as to the propriety of dividing, because it would show an unanimity amongst Irish Members in favour of the Amendment, which was hardly ever exhibited upon any other subject. The whole of the Irish Members who had practical experience in the matter were against this fine drawn distinction between present and future tenancies. His hon. and gallant Friend behind him (Colonel Colthurst) had criticized the support given to the Amendment by hon. Gentlemen opposite; but he was bound to say that the speech of the hon. and learned Member for Plymouth (Mr. Edward Clarke), inasmuch as it was the speech of a lawyer, had given him great satisfaction, because it was in favour of simplifying the Bill. But the hon. and learned Member for Tyrone had framed a most elaborate and extraordinary clause in connection with the subject, which he had no doubt would give ample field for discussion in the Law Courts of Dublin. He (Mr. Mitchell Henry) asked why should not the Bill be made simple from the first? It was as clear as possible to his mind that this distinction between present and future tenancies was the offspring of English opinion; the fact was that the Bill before the Committee was the work of one of the most distinguished English draftsmen—Sir Henry Thring—and he ventured to say that had it been drafted by Irish lawyers the distinction insisted upon and accepted by the Prime Minister would never have had its place in the clause. Let the Committee consider that they were legislating for persons who did not very easily appreciate a distinction, and that they were about to set up a most complicated number of exceptions to the general principle. The Irish tenantry would understand perfectly well the meaning of a Bill simply worded; but they would understand with difficulty, and nobody amongst them had asked for, a distinction between present and future tenancies. Now, the Prime Minister had promised what he (Mr. Mitchell Henry) thought was very characteristic of Irish legislation in that House, especially of advanced legislation—namely, a whole heap of exceptions for the purpose of minimizing this distinction. That proposal on the face of it, was, in his opinion, fraught with danger to the Bill. He contended that the matter should be made simple at the first, and he made these observations in consequence of the speech of the hon. and learned Member for Tyrone, because he thought it necessary to convince the Committee and the country that Irish Members were almost unanimously in favour of abolishing the distinction set up by the clause.

Mr. HEALY remarked, that the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had not confined himself strictly to the point. The distinction in the clause was practically that one man was to have the right to apply to the Court to decide the fairness of the rent, and another was not. He contended that if it were a good thing for a man to call in an independent arbitrator in 1880, it would also be a good thing for him to do so, under like circumstances, 20 years hence. He suggested that the Government should define the term future tenancy to be a tenancy commencing 15 years hence. To say that the day after the Act passed there should be a whole series of exceptions made was contrary to the object contemplated in the Bill.

Question put.

The Committee *divided:*—Ayes 301; Noes 59: Majority 242.—(Div. List, No. 257.)

Mr. BRODRICK said, he had an Amendment in line 35—after the word "tenancy" to insert "to which this Act applies;" but the words seemed hardly necessary; therefore, he would not go on with the Amendment.

Mr. HEALY said, the next Amendment was in his name, and it was one which he did not suppose the Government would object to. He merely wished it to be stated in which portion of the Act the landlord had power to increase the rent of a present tenancy. It was not desirable that the Bill should be allowed to remain loosely drafted; therefore, he proposed to omit the words "hereinafter in this Act mentioned," and insert "in the seventh section of this Act mentioned."

Amendment proposed, in page 3, line 36, omit "hereinafter in this Act mentioned," and insert "in the seventh section of the Act mentioned." —(*Mr. Healy.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the hon. Member was quite right in the view he took as to the part of the Bill referred to; but it was not desirable to refer by number to a section, because sometimes the numbers were altered in Committee; consequently, considerable inconvenience might be caused.

Mr. HEALY said, he would withdraw the Amendment now, on the understanding that the Government would have no objection to it at a later stage—when the Bill assumed a definite shape.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, they would see about it.

Amendment, by leave, *withdrawn.*

Mr. ERRINGTON said, the next Amendment, and one that stood in his name a little further down, were very important. Their object was to make plain that which the Bill either did now or would do—namely, provide that to all intents and purposes the landlords should not be able to raise their rent, except by means of the Court. This, however, was hardly the time at which the question could best be raised, especially after the decision which had been just arrived at; therefore, he did not intend to move either of the Amendments.

Sir GEORGE CAMPBELL said, that in the absence of the noble Lord the Member for Woodstock (Lord Randolph Churchill), he would ask to be allowed to move the Amendment which stood in his name. It seemed to be a reasonable one, and one that it was desirable to insert in the Bill, seeing that further on in the clause the Government proposed that the landlord should go into the Court to obtain an increase of rent, which should be subjected to statutory conditions.

Amendment proposed,

In page 3, line 39, after "increase," insert "or where the rent has after demand of an increase by the landlord been fixed by the Court in manner hereinafter in this Act mentioned."—(*Sir George Campbell.*)

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the object of this Amendment was provided for in a subsequent clause.

SIR GEORGE CAMPBELL said, that the 7th clause was as to present tenants; but the Amendment would deal with future tenants. After the landlord and tenant had gone into Court to fix what was a fair rent, and the matter had been settled, it was only right that the amount should remain for a time fixed under statutory conditions.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) pointed out that the hon. Member could raise the question as to whether the section should apply to future tenants when they came to the 7th clause.

Amendment, by leave, *withdrawn.*

MR. CHARLES RUSSELL said, that though the next Amendment, which was in his name, was an important one, he did not wish to dwell on it a moment more than was necessary. He proposed to substitute for the 15 years in the clause 31 years; and the latter period, it seemed to him, would possess advantages which would not flow from the term as it at present stood. In the first place, once the rent was fixed, it would give a period of rest to the country likely to last long enough to allow a settled and new condition of things to arise, and it would have the further advantage that it would fit in with the prevalent idea in Ireland as to the duration of leases. Hon. Members from Ireland would tell the Committee that the term of 15 years was not a term that was common, or even known in that country at all, as applicable to agricultural holdings; and he would, therefore, submit to the Committee that this was an alteration which the Government might very well accept. But he wished to add—he was bound in candour to say it—that he did not find unanimity in Ireland on this subject. He found in some quarters a prepossession in favour of the shorter term and in opposition to 31 years, and he knew there were some Members on the Liberal side who entertained that view. But, at the same time, the preponderance of opinion that he had heard expressed had been in favour of the longer term. The matter had been discussed at a very important representative meeting in Belfast—a meeting, he might say, representing the whole of the farmers of the Province of Ulster—and the unanimous decision come to was that 31 years would be the most satisfactory term. He wished to point out that a lengthened term was not inconsistent with shorter periods for revision of rent. He submitted his proposal to the Committee, and he should be determined as to whether or not he should press it by the views of the Government and the Committee which he should gather in the course of the discussion.

Amendment proposed, in page 3, line 40, leave out "fifteen" and insert "thirty-one."—(*Mr. Charles Russell.*)

MR. GLADSTONE said, there was always something a little open to doubt in discussing a numerical question of this kind; and it would be impossible to give any demonstrative reasons for any particular number that might be a little higher or a little lower. On the whole, he was disposed to think that 15 years was a reasonable period. The consideration drawn from the interest of the landlord was this—that, according to the Bill as it stood, all resumption of the land on the part of the landlord was suspended during the first statutory term—he meant resumption as distinct from change of tenancy that would result from the sale of the tenant right—and it would be rather hard on the landlord that resumption should be suspended over a period so long that reasonable changes might be expected to take place within it—he meant great alterations in the value of the land for building purposes and that sort of thing. It would be also in the interest of the tenant to retain the 15 years. He was not one of those who expected to see a fundamental revolution in regard to land in Ireland; but there was enough of novelty in the position in which this property would be placed to make bargains for a moderate term preferable to bargains for a long term. There were other objections to the Amendment to be drawn from the Bill; but he thought, on the whole, he had said enough to show the desirability of retaining the period fixed in the Bill.

Mr. A. M. SULLIVAN said, that but for an indisposition to crowd the Notice Paper with Amendments to the Bill, he should have put down a proposal to reduce the number of years to five instead of increasing it to 31. He was in favour of the shorter period because, although it was desirable that there should be a period of rest in Ireland, anyone who would contemplate for a moment the economic principles and forces now in operation to bring down the price of agricultural produce would see the undesirability of allowing a period so great as 15 years to elapse before the rent could be equitably re-adjusted. He also thought that a long period would work to the injury of the landlord fully as much as to the injury of the tenant. If the tenant got his rent reduced to an equitable figure during a rising time he had 15 years of clear sale before him before the landlord could come down upon him; and he would put into his pocket every penny of advantage he would derive in the rising time. But mark what followed if it were in a falling time. The tenant was not obliged to remain on his holding a day longer than he liked. The landlord was always bound to the tenant, but the tenant was not bound to the landlord. If the tenancy was broken, the tenant quitted and the landlord lost his grasp of him, and any advantage that might have accrued to him in having let his land at the commencement of a falling time. Real equity, as between landlord and tenant, would point to a shorter period than 15 years. Owing to scientific improvements—the development of the refrigerating apparatus, improved facilities of transit and other things—he was not afraid to say, having given some reflection to the subject, that they were on the eve of a revolution in the transit of food from the most distant parts of the world to our food markets, and it would, therefore, be a most serious thing to tie down the Irish peasantry to this period of 15 years. The tenant farmers, at the present moment, were succumbing one by one—nay, score by score, in some of the agricultural counties of England; but not until they had manfully fought the wolf from the door for four or five years. They had had some comfortable store to draw upon, and, like honest men, they had never come upon anyone else whilst they had anything to pay out of their savings. But the tenantry of Ireland had had no such store to draw upon, and two bad years had been sufficient to break them. He felt some alarm, therefore, at the proposal to fix the period at 15 years. Certainly the period fixed by the Bill ought not to be increased.

Major O'BEIRNE pointed out that it would have been almost ruin to the tenants if they had been obliged for four years to pay a rent fixed in 1876. On the other hand, it would be equally hard on the landlord if the rent were fixed just before the commencement of a cycle of good years. In the interest of both landlord and tenant, the rents ought to be revised at short periods.

Mr. LITTON said, it was quite true that if all the land in Ireland was arable and capable of being tilled productively by the agriculturist, it would be a matter of great importance, having regard to competition from America, that there should be a renewal or revision of rent at short periods. But, unfortunately, there was a great deal of land in Ireland that was reclaimable, and a great deal that was improvable; and, as to this land, the considerations that had been urged up to this moment in favour of the term of 15 years did not apply. The rent that would be fixed at the commencement of the term would be a low one, no doubt—perhaps 2*s.* or 2*s.* 6*d.* an acre; but, with the tenant, the question would be, was it prudent for him to commence the tedious process of reclaiming and improving and making the land more productive, seeing that in 15 years' time there would be a revision of the rent paid for that portion of his holding? He agreed that in the case of an agricultural holding of arable land there should be a revision at as short periods as possible; but as to improvable land it was quite the other way. The term of 15 years was an arbitrary term—all these terms must be arbitrary; and there did not seem to him to be any reason why 15 years should be adopted any more than 31. He did not place reliance on this as an argument, however, and the question was—how would they steer clear of the advantages on the one side and the disadvantages on the other? If Ireland was an agricultural country, composed of nothing but arable land, he should be content to accept the term in the Bill. Those who knew most about this matter were those personally interested; and the hon. and learned Member for Dundalk had pointed out that the farmers, at a large representative meeting in the North of Ireland, were strongly of opinion that a shorter period than 31 years would be prohibitory to the improvement of their reclaimable or improvable land. He might call the attention of the Committee to a document that ought to have great weight with them—namely, a Petition presented some time ago by the Presbyterian ministers of the North of Ireland. The Petitioners declared themselves of opinion that—

> "A fair and judicial rent having been fixed, no alteration of rent should take place at less intervals than 31 years."

To afford encouragement to the tenant who becomes a holder under the statutory term, to encourage him to improve and reclaim land, a longer term than 15 years should be allowed. The tenants constantly urge that they, at all events, had the impression, that at the end of the 15 years there would come, probably, an increase of rent. Therefore, with reference to the Amendment of the hon. and learned Member for Dundalk, it was a strong argument in favour of a longer period during which matters should remain undisturbed that it would afford greater inducement to the tenant to proceed with his improvements and reclamations of the land.

MR. A. J. BALFOUR thought if the argument used had any value at all it proved that the Bill was so much waste paper. If on improvable land a tenant, if not given more than a 15 years' lease, had no inducement to improve his farm, because the rent might be raised on account of improvements, the Bill would be worthless. When the Bill came into effect the tenant might improve without any fear whatever; he would have the same inducement to improve his holding, however long or however short might be the statutory term, for this simple reason—that the statutory term was renewable for ever. He had an Amendment on the Paper in favour of diminishing the term to 10 years; and though he did not think it was of transcendent importance, he did attach weight to what was said by the hon. Member behind him—namely, that in the present state of agriculture it was impossible to foresee with any amount of certainty how far farming would be a profitable operation. When they expected a tenant to carry out substantial improvements on his farm it might be proper to give him a long lease, because in the end, no doubt, the rent was raised on his holding. In Scotland leases, as a rule, were for 19 years, and the landlord did the improvements; but the landlord expended the money on which the tenant paid interest for the term of his lease. Where they had that sort of arrangement there was justice in giving a longer term than 10 years; but when, as in Ireland, the length of the term would have no effect whatever on the length of the tenancy; where the tenant would have the same inducement to improve under a short as under a long term, there was no reason whatever for giving him a long term. He hoped the Government would either maintain the proposal they had themselves made, or accept his Amendment, which would reduce the term from 15 to 10 years.

MR. SHAW saw that the differences of opinion among Irish Members on the subject might induce the Government to make no change in their proposal. Personally, he was in favour of the Amendment of his hon. and learned Friend the Member for Dundalk (Mr. C. Russell). He had attended farmers' meetings since this Bill was printed, and he had letters day after day from the farming class; and they all, the working class of farmers especially, concurred in asking for an extension of the term to 31 years. The Prime Minister said it was important to the landlord to have the term fixed at a moderate length; but he was afraid that the improvements indicated in the right hon. Gentleman's speech would occur in very few cases in Ireland — namely, that the land would be raised in value by the extension of buildings and other operations. Unfortunately, instead of an increase the opposite went on. The tenant would have before him, at the end of a short term, the probability of his rent being raised, and he must make all his arrangements with that probability hanging over him. If the tenant were in the same position as the tenant in England or Scotland, no doubt the period indicated by the hon. Member opposite would be desirable; but the Irish tenant was not so placed, and the direct effect of the clause would be to discourage improvements and bring them to a standstill all over Ireland. One of the objects he looked to as among the most important in the Bill was the giving to the tenant for a number of years freedom from the fear of his improvements being meddled with in any way. The hon. and learned Member for Meath (Mr. A.M. Sullivan) said, in favour of a shorter term, that changes took place in the value of agricultural produce especially in view of American competition; but it must be remembered that it was not a rack-rent that would be fixed, or even a competition rent, but a rent that was below the ordinary market rate. The object of the Court would be to fix a moderate rent, and it would be in the interest of the landlord that it should be moderate, because in a term of years he would be more sure of getting his money than if the land were rack-rented. In fact, he looked upon the clause in the Bill that empowered the tenant to arrange with his landlord for perpetuities as one of the most important in the Bill. But he did not suppose that his hon. and learned Friend, in view of the differences of opinion among Irish Members, would be induced to carry his Amendment further; but he could not let it pass without expressing his strong and decided conviction that the term his hon. and learned Friend proposed was preferable, and that any shorter term would be an injury to Ireland.

Mr. WARTON said, he wished to ask the Chairman for his advice and assistance, and to make a suggestion to meet a difficulty that arose out of the position of several Amendments on the Paper. There were five such Amendments suggesting four different terms of years. Now, if the Chairman put the first Amendment in the usual way the Committee would be tied down to a choice between the two terms—15 and 31 years. It was singular to observe the order in which the Amendments were placed, and he did not understand if they were so placed in order of time, or if they were left to the discretion of the printer; but the effect was that the Committee was confined to the first placed Amendment as an alternative for the term in the Bill. He wished to suggest to the Chairman that he should, instead of putting the Question in the form of—"That 15 stand part of the Clause"—he should put it—"That 31 be inserted"—and so the sense of the Committee might be taken on each proposal.

The CHAIRMAN: I must point out to the hon. and learned Member for Bridport (Mr. Warton) that it is quite impossible to put the Amendment as he suggests. If the Committee is of opinion that 15 is not right, then that number will be negatived; and thereupon the Committee would determine what number should be inserted. There is no other way of putting the Amendment than that of the Question that the words in the Bill stand part of the clause.

Mr. LAING said, he held the opinion that a longer term than that in the Bill was indispensable as an inducement to tenants to effect improvements in the property. In Orkney there were instances of agricultural improvements being successfully carried out by tenants farming 10, 20, 30, or 40 acres; and he could say positively that a shorter period than 21 years would be insufficient to induce such tenants to make these improvements. By the rotation of crops a tenant would get no profitable return within the period of 15 years; and he hoped the Government would consider whether some extension of the period they proposed might not be adopted.

Sir HERVEY BRUCE said, hon. Members seemed to forget that tenants were provided with money for improvements outside this clause altogether; they would be paid for improvements, no matter what number of years was put in the clause.

Sir GEORGE CAMPBELL admitted there was a good deal of force in the arguments in favour of the longer term; but so, also, there was much force in what had been said by the hon. and learned Member for Meath (Mr. A. M. Sullivan). His own experience with regard to large tenants in Scotland was that, under a fixed lease, they find extreme difficulty in carrying on the lease in bad years; and one cause of the failure, so far as there was a failure—he would rather say a difficulty—in the operation of the Act of 1870, was the unexpected depression in agricultural produce, during which the tenants had the greatest difficulty in meeting their rents; then followed the agitation, and its result was this Bill. Suppose, following a succession of prosperous years, they had leases at high rents, and at the end of 15 years bad years come again, then the mass of small farmers must break down, and the agitation would be removed. Where tenants were put on long leases there would be the greatest difficulty in bad times, and it was indispensable that provision for bad seasons should be made. He was under the impression that if the Government insisted on a long term without any machinery for reducing the rent with reference to the prices of produce, it was inevitable that there must be from time to time something to propose upon the principle of the Compensation for Disturbance Bill of last year—that was to say, something in the nature of machinery by which the tenant could be relieved from the effect of very bad years. One mode by which this could be effected would be by a system of "fiars" prices such as was known in Scotland, according to the average of agricultural prices; but it would be impossible to introduce anything of that kind without serious alterations in the structure of the Bill.

MR. CHARLES RUSSELL said, he did not want to be responsible for waste of time with no promise of a result; and, seeing there was some difference of opinion among Irish Members and the Committee generally, he did not hope for a successful division; therefore, unless the Government saw some advantage with respect to other Amendments that induced them to object, he proposed to withdraw his Amendment.

MR. GLADSTONE was quite willing to allow the withdrawal of the Amendment; but doing so might lead to some misunderstanding. The Government wanted the 15 years affirmed, and the only way to do that was by taking a decision on his hon. and learned Friend's Amendment. He did not, in fact, think that anything would be gained by changes in either direction; and if the Committee did not affirm the 15 years now, there might be a great deal of discussion on other proposals to alter the term.

MR. PARNELL said, it would have been better if the Amendment, instead of proposing to substitute 31 for 15 years, had proposed to give the tenant a very much longer lease—say, 100 or even 200 years—with the right to either party to demand a revision of rent according to prices at very much shorter periods. The great difficulty of any system of fixing the rent the tenant should pay, by the Court, was to arrive at a valuation from which to fix a starting point. If such a rent was arrived at by the Court with the consent of both parties, and on a known basis, then there would be very little further trouble. If the Court, in the first instance, on the application of the landlord or the tenant, succeeded in fixing a rent that was satisfactory to both parties—that was to say, a fair rent that the tenant was willing to pay and the landlord to accept—he could not see what possible need there was for limiting the period during which the statutory agreement should continue. He could not see why it should not continue for 1,000 years as well as 15, giving to either party the right of claiming a revision according to the basis of prices from time to time. If the prices that were produced on the holding were known when the initial rent was fixed, there would be no difficulty whatever in satisfying the landlord and tenant by adjusting the rent according to future prices at any time hereafter. But under the system in the Bill everything would be left uncertain and vague, and nothing fixed; neither tenant nor landlord would know upon what basis the rent would be fixed at the end of 15 years, all being left to the discretion of the Court. The Government had fallen into this mistake simply because they would not give a long statutory term to the tenancy. It was a pity they did not proceed on a different principle, and endeavour to fix a fair rent in the first place; and, having got that initial rent, declared that it should not be departed from except on the application of either party, showing that an alteration was justified by the variation in the prices of the produce of the holding at the time of the application. In that way a self-acting plan would be created—after having once fixed the fair rent a very simple rule of arithmetic would do it. Assuming, for the sake of clearness, that the Court would fix a fair rent, either party would know at any time hereafter whether he would be justified in bringing a case to the Court for the diminution or increase of the rent by referring to the table of prices at the time the rent was fixed. A simple rule of three would decide how far in either direction the rent should be altered. But under the Bill, at the end of 15 years, all was confusion again, nobody knowing to what he was entitled, neither landlord nor tenant knowing on what basis to calculate; and the Court would also be in the dark on again entering upon this difficult question of fair rent. The tenant would fear to make improvements, because he would not know how they would be regarded by the Court when the period for revision came round.

The CHAIRMAN: I must point out that the question of fair rent comes on later, and cannot be discussed now.

Mr. PARNELL submitted that it really did come under the point for present consideration. Unless some such principle as he had proposed were adopted, it would be better to leave the term a very short one; but if his principle were adopted, the term should be extended to a much longer one. The statutory term might be increased with advantage to 31 years; but he could not see what the difference of term mattered if it was provided that there should be times for revision, not accompanied, as would be the case under the Bill, with confusion and uncertainty.

Mr. LEA said, so far as he could gather the opinions of tenants in the North of Ireland, it was a matter of indifference to them whether the term was fixed at 15 or 31 years if the Bill provided clearly and distinctly that for the future tenants' improvements should not be re-valued. If, at the end of 15 years, the landlord was to have the power to come in and re-value, then the tenants were not in favour of a 15 years' term. At present there was some doubt as to the effect of the Bill, founded partly on the failure of the Act of 1870, and partly on the doubtful words in the Bill itself. The tenant did not feel perfectly confident in making his improvements, and therefore desired 31 years rather than 15; and on the same account would prefer 100 years to 31 years. If the Government would express a distinct opinion that at the end of 15 years the tenants' improvements would not be re-valued, then the tenants in the North of Ireland would not object to 15 years.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that to relieve any apprehension that might be felt on the point, he would state that it was not the intention of the Bill that, under any circumstances, the tenant's own improvements should be valued when fixing a fair rent.

Mr. MARUM thought the views of the tenantry in Ireland should be considered to some extent, and he mentioned that, at a conference held in 1865, a 31 years' clause was agreed to in a Bill which he drafted; while the late Mr. Butt had adopted 21 years in his Bills. But since then, and during the Recess, he had visited his constituents in Kerry, and he found that, owing to the present fluctuations in prices and to the general uncertainty, the farmers were not disposed to enter into long terms, but rather into a shorter term such as was mentioned in the Bill. Some even would be in favour of a seven years' term. Notwithstanding the answer of the Attorney General for Ireland to the hon. Member for Donegal (Mr. Lea), the change that had been made in the 7th clause did not give the Irish Members that confidence with regard to the security of the tenants' improvements which they expected.

Mr. A. M. SULLIVAN observed, that what the tenants had in their minds, in regard to a 31 years' or a 41 years' tenancy, was fixity of tenure; they wanted to grasp the land for the longest possible time. This question of tenure came before three gentlemen in Ireland, of whom he was one, 11 years ago in a very practical way. The hon. and gallant Member for Galway (Major Nolan) had some difference with his tenantry, and he asked them to name three arbitrators in whom they had the greatest confidence to settle the whole question. The three gentlemen selected went down and settled the question very much in the direction of the way suggested by the hon. Member for the City of Cork (Mr. Parnell). They gave the tenants a statutory term of 9,999 years, starting with an initial valuation which was perfectly satisfactory to the landlord; and on the back of each lease they endorsed the registered price of 10 articles of produce. They decided that every 10 years the rent should be increased or decreased as the value of those 10 articles increased or decreased; and he believed there had been no further difficulty in the matter. Some of the tenantry desired a longer and some a shorter period; but 10 years were adopted as a medium period which should best meet the wishes of the landlord and the tenants.

Amendment *negatived.*

MR. HEALY wished to propose an Amendment, which, though it looked very slight, was one of considerable importance. He proposed to move, after the word "continuance," to insert the words "at the end." As the clause at present ran, the tenant would be a present tenant; but it was not clear that at the end of the statutory term he would be entitled to go to the Court, or would then be only a present tenant. It might be held that, having been a statutory tenant, he had then become a future tenant; and the object of the Amendment was to make it clear that at the end of the statutory term of 15 years he would have the right to go to the Court and ask for a renewal.

Amendment proposed, in page 4, line 2, after "continuance," insert "and at the end."—(*Mr. Healy.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there would be no fear of those who were entitled to go to Court being excluded. The tenant was a tenant from year to year; but he was protected for 15 years against the disturbance of his yearly tenancy, the statutory term prohibiting any alteration of the tenancy during that period. There was no possibility of preventing the tenant from getting another statutory term in any proper case; he could go to the Court to get his tenancy renewed, and, therefore, as the Bill stood, he would not be excluded. The words proposed would not really alter his position, nor could the same rule be applied to the future and the present tenant, because the present tenant would have a right to go to the Court when the term was nearly expired—in the 14th year, though not before that, and any time afterwards. During the 15 years there were certain conditions to be observed on both sides; but all through the tenancy would be, strictly speaking, one from year to year.

MR. HEALY remarked, that the Attorney General for Ireland had said the Court might hold that the tenant, having held from year to year, a new tenancy could not be created; but the right hon. and learned Gentleman's assurance was not enough, considering the extraordinary decisions that were given by the Judges.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Courts had laid down the principle that the mere alteration of rent did not by itself constitute a new tenancy, and accordingly, though a judicial rent was fixed, a present tenancy would remain a present tenancy to the end. The 15 years were called a statutory term because the tenant would be entitled to protection against disturbance during that period. It might, perhaps, have been better called a statutory period than a statutory term, as the latter word suggested something in the nature of a lease which would, of course, be a new tenancy.

MR. HEALY, after the explanation of the right hon. Gentleman that the object of the Bill was the same as that of the Amendment, would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. MARUM said, he wished to move an Amendment, and he pointed out that the last two clauses were "enabling clauses," enabling the landlord to come to an arrangement with the tenant if he was disposed to do so; but they were not compulsory, and he thought that facilities should be given for going to the Court where a decrease of rent was demanded. He, therefore, proposed that—

> "Where the tenant of a present tenancy demands a decrease of rent from the landlord, except where he is authorized by the Court to decrease the same as hereafter in this Act mentioned; or the tenant of a future tenancy demands a decrease of rent from the landlord beyond the amount fixed at the beginning of such tenancy, then, where the landlord accepts such decrease until the expiration of a term of fifteen years from the time such decrease was made (in this Act referred to as a statutory term) such tenancy shall (if it so long continue to exist) be deemed to be a tenancy subject to statutory conditions, with such incidents during the continuance of the said term as are in that behalf mentioned."

THE CHAIRMAN: Will the hon. Gentleman bring up the Amendment? At the same time, I must mention to the Members of the Committee that it is scarcely possible for me to find out whether Amendments of which Notice has not been given interfere with other Amendments or with the construction of the Bill. I hope hon. Gentlemen will send in Amendments beforehand, in order that I may know if they interfere with other Amendments.

MR. MARUM explained that his Amendment only occurred to him after the speech of the Prime Minister on Friday; but he would withdraw it now and bring it up again on Report.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 3, line 4, after the word "tenant," insert "of any future tenancy."—(*Mr. Gladstone.*)

SIR GEORGE CAMPBELL thought it would be convenient if the Government would state what they meant by sub-section 2. The landlord was by this clause permitted and encouraged to go to Court; but he would go to the Court with a rope round his neck. Then, if a tenant went to the Court to get a fair rent fixed, the parties would not come together as they expected; the tenant would have to sell, and the Court would have to consider how far the selling value of the tenancy had decreased by the action of the landlord. He thought it would be much more simple to lay down that the parties going to the Court should be permitted to come together, and to go on upon the fair rent fixed.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, in the case of a future tenancy, the tenant had no power, under the Bill, to go to a Court to insist upon a fair rent; but the present tenant, in the event of an increase of rent being demanded at any time, could go to Court to have a fair rent fixed; or, if he wished to sell, but did not wish his tenant right to be depreciated, he could go to Court and get a fair rent fixed, and then sell. Or, again, though there had been a demand for an increase by the landlord, and the tenant sold his tenancy, the incoming tenant, notwithstanding what the landlord had demanded, could go to Court and ask for a fair rent. Therefore, the present tenant was absolutely protected. But the future tenant had not that power of going to Court, and the value of the tenancy might be damaged by the demand of the landlord. As the Bill now stood, it did not protect the future tenant.

LORD EDMOND FITZMAURICE said, he should have preferred to give the future tenant access to the Court; but as the Government preferred to retain the framework of the Bill as it was, he thought the Amendment would be a great improvement in every way.

Amendment *agreed to.*

SIR GEORGE CAMPBELL proposed to move an Amendment for the purpose of enabling people who did not want to part to come together on the fair rent fixed by the Court.

Amendment proposed,

In page 4, line 4, after the word "increase," omit all the words to the end of the sub-section (2), in order to insert "either the landlord or the tenant may apply to the Court to determine what is a fair rent within the meaning of this Act, and if the tenant desires to continue his tenancy at the rent so fixed, it shall continue on the same terms and on the same conditions as if the tenant had accepted the rent demanded by the landlord."—(*Sir George Campbell.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) was unable to accept the Amendment, because the view of the Government was that in this respect there ought to be a distinction between present and future tenancies. The Amendment, he thought, would, in any case, be much more appropriately proposed in connection with sub-section 4.

SIR GEORGE CAMPBELL explained that his Amendment was intended to enable landlord and tenant to make terms with each other when the landlord did not wish to turn the tenant out and was willing to go into Court. He wished to avoid the necessity of litigation in such a case.

MR. GIVAN said, it was curious that with respect to the future tenant, that he should be excluded from the power of going to the Court to have the rent fixed. If they referred to the beginning of the 3rd clause, they found that if a tenant of a present tenancy accepted an increase of rent proposed by the landlord, or if a tenant, proposed by the present tenant accepted a fixed rent, then a statutory term commenced. There was no difference between the case of a future tenant and a present tenant there. But, then, although it precluded the future tenant from going into the Court to have a rent fixed at the determination of the tenancy, it absolutely required a Court to fix his rent, because the penalty that was put upon a landlord for demanding of the tenant of a future tenancy an excessive rent depended upon the Court first ascertaining what the fair rent was for that tenant; and if it were compulsory upon the Court to ascertain for the future tenant what a fair rent was, surely, then, any future tenant should have the power of electing, and saying—"I won't take the compensation as given to me; the Court having fixed the fair rent, I shall hold on by that rent—I shall retain that holding, and keep it under statutory conditions." He, therefore, submitted that the whole framework of this sub-section contemplated dealing with the present as well as the future tenant; and when that fair rent had been ascertained he did not see why a future tenant should not accept it.

CAPTAIN AYLMER had gone carefully through the clause, and he considered that it must have only referred to present tenancies in the first place. It had been an after-thought to bring in the word "future," because the Prime Minister had told them that he desired, if possible, to see freedom of contract the rule of the landed estates in Ireland—in other words, that the Court should take no part in the affairs of future tenancies. But, in this sub-section, the Court must come in in every case. As the clause stood, he agreed with the hon. Member for Kirkcaldy (Sir George Campbell) in his Amendment.

An hon. MEMBER objected to the Amendment being put, as it was not on the Paper.

Another hon. MEMBER wished to protest against the assumption that because an Amendment was not on the Paper that therefore it ought not to be put. He had himself an Amendment to propose, and he could not get it on the Paper, because the Prime Minister only published his Amendments late on Friday night, and hon. Members did not get them until late on Saturday morning; and, therefore, it was impossible to have his Amendment printed. He hoped the Committee would allow Amendments to be moved which were not on the Paper if they were consequential.

THE CHAIRMAN: It will be in the power of any hon. Member to move an Amendment not on the Paper.

Amendment *negatived.*

Amendment proposed,

In page 4, line 5, after the first word "tenancy," insert "same shall be sold subject to the increased rent."—(*Mr. Mulholland.*)

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he accepted the words.

Amendment *agreed to.*

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. GREGORY moved, in page 4, line 6, after the word "receive," to insert these words—"at the discretion of the Court." What was proposed by the words as they stood was that the tenant should be entitled to receive 10 times the amount of the increased rent, and it would follow that the excessive rent might be over the fair rent.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he could not accept the insertion of the words here, because he did not understand what the discretion of the Court was to be exercised upon. Were they to have power to reduce it below 10 times? "At the discretion of the Court" seemed so very vague a notion.

Amendment, by leave, *withdrawn.*

MR. LITTON said, that the next Amendment on the Paper stood in his name, but he proposed not to move it.

MR. PLUNKET proposed to move an Amendment, which would be the same as had been dropped by the hon. and learned Member for Tyrone (Mr. Litton). He proposed that all the words after the word "receive" in line 6, down to "custom" in line 11, be omitted, and the clause would then read—

"Where the tenant does not accept such increase and sells his tenancy, in addition to the price paid for the tenancy he shall be entitled to receive the amount (if any) by which the Court may decide the selling value of his tenancy to have been depreciated below the amount which would have been such selling value if the rent had been a fair rent."

He submitted this on this simple ground—that he had never been able to understand why 10 times the amount of the difference was to be taken from the landlord under these circumstances. He considered that what the tenant was entitled to receive, and what the landlord ought to be obliged to pay according to the equity of the policy contained in this sub-section, was that by which the tenant would be damnified by the proposed action of the landlord. He could not see why he should get any more; and why he should get 10 times the amount was out of reason as it appeared to him.

Amendment proposed, in page 4, line 6, leave out from "receive" to "custom," in line 11.—(*Mr. Plunket.*)

Mr. SHAW said, he hoped the Government would consider the propriety of accepting this Amendment, as it would simplify the relations between landlord and tenant. He could see no reason why the principle adopted in this matter with reference to the Ulster Custom should not be followed here.

Mr. LITTON said, the reason why he did not move the Amendment standing in his name was because he saw that certain words were to be moved by the Prime Minister to which, he presumed, the Committee would agree. The clause would then run—

> "In addition to the price paid for the tenancy he shall be entitled to receive from his landlord ten times the amount of increase, or such sum as the Court may determine."

The alternative given by the proposed Amendment of the Prime Minister would, if it were accepted, rule the clause.

Mr. CHARLES RUSSELL considered that the Amendment before the Committee proceeded on an intelligible principle. It was obvious that the sum named was an arbitrary one, and there was no reason why it should not be five or 20 times the amount which might be determined to be the excess of the rent demanded over a fair rent. In his opinion it would be just that the landlord should pay the tenant the amount of depreciation sustained by reason of his act.

Mr. BIGGAR thought that any Amendment which could be made in the clause would be an improvement that would make it more intelligible.

Mr. W. E. FORSTER said, as there seemed to be a general agreement on the part of the Committee, and as he could not help thinking that the Amendment of the right hon. Gentleman opposite would have the effect of simplifying the clause, he was willing to assent to it on the part of the Government.

Amendment *agreed to.*

On the Motion of Mr. Gibson, Amendment made, in page 4, line 12, after the word "may," by inserting "on the application of the landlord or tenant."

On the Motion of Mr. Litton, Amendment made, in page 4, line 14, by leaving out all the words from "rent" to the end of the sub-section.

Lord GEORGE HAMILTON said, he was about to move an Amendment which was consequential on the Amendment proposed by the Prime Minister. He proposed to add to this clause the words which were in Clause 7, and which ran thus—

> "Or in the event of the rent demanded being less than the rent declared to be fair by the Court, the landlord shall be entitled, on application to the Court, to receive out of the purchase moneys of the tenancy such amount as the Court may think just."

He believed the Amendment would operate more in favour of the tenant than the landlord. As the Bill then stood the rent of future tenancies did not come within the cognizance of the Court except in this section; and he thought it must be the intention of the Government that whenever a question of rent in reference either to future or present tenancies did come within the cognizance of the Court, it should be treated on the same conditions, and that the landlord should receive the same treatment by the Court as under Section 7, if the rent which the landlord demanded was less than the fair rent in the opinion of the Court—namely, that when the tenant sold, the landlord should be entitled to deduct, upon application to the Court, from the sum paid to the tenant, the rent supposed to be an equivalent to the difference between the amount imposed and the fair rent. If some such words as those proposed were not put into the section, he thought the result would be most disastrous to the occupiers of future tenancies, because it must be recollected, so far as he could make out after reading the Bill, that the only rent which did not come within the cognizance of the Court was the initial rent of future tenancies—that was to say, wherever a future tenancy was created it would be competent for the landlord to impose any rent he might choose. It must be born in mind, with regard to future tenancies, that the tenant could sell his interest under any contract which the landlord entered into with him; and, therefore, the greater the forbearance shown by the landlord the larger the sum the tenant would be able to receive. It appeared to him that the Government offered a positive inducement to the landlord as regarded future tenancies to impose the maximum competition rent as the initial rent of those tenancies, because, under this section, the landlord received no compensation, as in the case of Clause 7, if the rent demanded was less than a fair rent. Therefore, he submitted that the words which he proposed to add to this section would be an inducement to the landlord to put on a low and moderate rent, because he would know that if, hereafter, he wished to increase it and the tenant objected he would receive exactly the same treatment from the Court as if he came under Clause 7. But if he found he had no chance of increasing his initial rent, it was perfectly clear that the tenant of a future tenancy would have to pay the highest possible rent as initial rent. Therefore, he thought that the words proposed to be introduced, although they seemed to favour the interest of the landlord, would, in effect, be beneficial to the tenant.

Amendment proposed,

In page 4, line 14, after the word "rent," to add the words "or in the event of the rent demanded being less than the rent declared to be the fair rent by the Court, the landlord shall be entitled, on application to the Court, to receive out of the purchase moneys of the tenancy such amount as the Court may think just."—(*Lord George Hamilton.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, in dealing with this Amendment it would be well to say a few words on the original conditions in the sub-clause. It was to this effect—that where the tenant of a future tenancy did not accept the rent demanded and sold his tenancy, the sale should be subject to the increased rent, and in addition to the price paid for the tenancy by the purchaser the tenant should get from the landlord the amount, if any, by which the selling value of his tenancy had been depreciated below the amount which would have been such selling value if the rent had been a fair rent. The whole section, it would be remembered, hinged on the fact that an increase of rent was demanded. If the tenant sold at the increased rent he would be entitled to nothing, unless the Court ascertained that the selling value of the tenancy had been depreciated by the landlord's demand of more than a fair rent; but he (the Attorney General for Ireland) did not see why the landlord should get a lump sum out of the purchase money because the tenant had been forced to sell by the landlord's demand for an increase of rent, even though the demand was less than it might fairly have been.

Lord GEORGE HAMILTON said, he had moved the Amendment because it illustrated the great objection which he and many hon. Members on that side of the House had to one of the features of the Bill—namely, that the landlord would not be able to protect his interest except by raising the rent. The principle involved was most unpopular amongst landlords, many of whom were very anxious to keep their rents low. But as the Government did not seem to see the force of his argument, and as he had no wish to trespass unduly on the time of the Committee, he was willing to ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. MACNAGHTEN said, it was not clear whether the tenant referred to in sub-section 3 was a tenant of a present or of a future tenancy. But, in either case, he should move the omission of the sub-section, because it seemed to him that there was no fair reason, seeing that the tenant had the opportunity of selling as well as applying to the Court, why he should obtain compensation for disturbance if the tenancy was not sold.

Amendment proposed, in page 4, leave out sub-section 3.—(*Mr. Macnaghten.*)

Mr. GLADSTONE: We have introduced into this Bill an alternative method of selling the tenant right on behalf of the tenant, as affording a more elastic method of procedure. On the other hand, the sale of the tenant right is not, under all circumstances, a very eligible method, and cases might occur, as in Donegal last year, where the value of the tenant right in the market at a particular moment was reduced to almost nothing, if advantage might be taken of this state of things to put out the tenant. We found the tenant invested with a certain right under the Act of 1870, and we simply keep alive that right which affords a remedy against the mischief of taking advantage of a state of things in which the tenant right is abnormally depreciated.

Mr. GIBSON said, he was in favour of the Amendment of his hon. Friend (Mr. Macnaghten), because he believed that as the sub-section stood at present it was impossible to put anything like a reasonable meaning on it. The sub-section applied to the two classes of tenancies indicated at the outset of the clause. They had already dealt in the previous sub-section, as he considered, adequately and sufficiently with present and future tenancies. The contract between the present tenant and the landlord was perfectly free, and the former could pay as much rent as he thought proper. If, after having entered into that contract, the landlord should afterwards suggest that he had a reasonable ground for raising the rent, the tenant could agree to pay the additional sum, and he would then get a 15 years' term. Then came the case of the future tenant, and the clause said that when the tenant was not satisfied with the advance of rent asked for, he could submit his case to the Court, and, having sold his tenancy, could ask the Court to give him, in addition to the purchase-money, the sum by which the value was depreciated owing to the amount asked for being in excess of a fair rent. Was it necessary, then, to have further provisions for the benefit of the present tenant? The present tenant could agree or not to the rise asked by the landlord, if he agreed *cadit quæstio;* if he did not agree he had a wider right than the future tenant—namely, he could ask for the intervention of the Court at once to measure what would be a fair rent in all the circumstances of the case. That, he considered, was quite sufficient for the protection of the present tenant. He thought it only tended to confusion and complication to go into remote cases, such as that alluded to by the Prime Minister in giving his reasons against the Amendment of the hon. Member for Antrim.

Mr. GIVAN (who was very imperfectly heard) supported the sub-section.

Mr. W. E. FORSTER said, he agreed with very much that had been said by the right hon. and learned Gentleman opposite (Mr. Gibson), but pointed out that without this sub-section there would be no provision against capricious evictions.

Mr. GIBSON said, he did not think the Chief Secretary for Ireland quite apprehended the point. In one sense, if the Amendment he (Mr. Gibson) intended to propose was adopted, it would only carry out what was in the mind of the Government; it would practically leave the law as it stood. The sub-section read thus—"Where the tenant does not accept such increase"—that was quite clear—"and is compelled to quit his tenancy"—that was doubtful, because how was he to be compelled to quit his tenancy? If he was to be compelled to quit for rent, that, he thought, was not the intention of the Government; therefore, he had proposed the words "by notice to quit," to make the matter clear. If the tenant was compelled by notice to quit, then the Act of 1870 at once touched him, and he would be entitled to compensation.

The ATTORNEY GENERAL for IRELAND (Mr. Law) replied, that he thought there was no substantial difference between the Government and the right hon. and learned Gentleman; but they thought it better not to leave the matter open to ingenious argument, and the sub-section did not alter the law.

Mr. GREGORY thought the inference from the words of the sub-section would be that the tenant was compelled to quit because he declined to pay an increased rent, and that, therefore, he would be entitled to compensation. But that was not what he understood to be intended. The increase he refused to pay would be what the Court had fixed as a fair rent, and he would be entitled to compensation, not because he refused to pay that rent, but because he received notice. The tenant's right might be maintained under the Act of 1870; but that should be done in a proper way, so that he should not be entitled to compensation under the Act because he refused to pay the increase.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Government proposed to accept the Amendment of the right hon. and learned Gentleman (Mr. Gibson), and, therefore, he thought it unnecessary to continue the discussion.

Amendment, by leave, *withdrawn.*

Mr. GIBSON moved, in page 4, line 17, to insert the words "by or in pursuance of a notice to quit," after the words—

> "Where the tenant does not accept such increase and is compelled to quit the tenancy, but does not sell the tenancy."

He thought it was only fair that landlords should pay compensation for disturbance if they demanded increases of rent in violation of equity.

Amendment proposed, in page 4, line 17, after "tenancy," insert "by or in pursuance of a notice to quit."—(*Mr. Gibson.*)

Mr. GIVAN said, it appeared to him very reasonable that if, in regard to a future tenancy, the Court should decide what the fair rent should be, the tenant might then select whether he would accept that rent or take the compensation provided under the sub-section. If he was at liberty to have his rent fixed by the Court, why should he not have the power to accept that if he chose?

The CHAIRMAN: It is difficult for me to know on what the hon. Member is speaking. If the hon. Member is speaking on line 15, that is passed.

Mr. GIVAN said he was speaking to the first Amendment of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson).

Mr. GIBSON pointed out that his first Amendment would only carry out the intention of the Government, and they were willing to accept it.

Amendment *agreed to.*

Mr. GIBSON moved, in page 4, line 18, to insert after the word "shall" the word "not." This Amendment was, in his opinion, consequential to the principle just accepted by the Government. What was that Amendment, and what was the position of tenants under sub-section 3 as it at present stood? A tenant was asked to pay an increased rent, but declined to pay it, and said he would put the landlord to his notice to quit. The landlord then would serve the notice, that being his only way of enforcing his rights; and, under the clause as it now stood, the notice having been served, the ejectment would proceed and be executed, and at the proper time the tenant would make a claim for compensation. He did not question that claim as reasonable, because it was the law under the Act of 1870, and he did not seek to displace or undo the equity of that Act; but the Court, when asked to give compensation, should have an opportunity of saying to the tenant that having refused to accept the landlord's increase and compelled him to serve the notice, if the landlord was right and the increase was fair and reasonable, it would not compel the landlord to pay compensation. Was not that common sense and common justice? If the tenant had been asked to accept an unreasonable rise of rent, and said he could not afford it, and the landlord served a notice upon him to quit, the Court might then say, if the tenant preferred a claim for compensation, that the landlord was unjust, and therefore they would give the tenant the fullest measure of compensation. He did not seek to touch that. But, on the other hand, if the Court said the landlord was reasonable and the tenant had unreasonably refused to pay the increase, in the name of common sense and common justice would not the landlord be right to hold that his action was reasonable?

The ATTORNEY GENERAL for IRELAND (Mr. Law) thought, after all, there was a difference between the right hon. and learned Gentleman and the Government. They believed that, as the law stood, the equity clauses of the Land Act did all that was necessary. Under that part of the Act, a tenant refusing to pay a fair rent was disentitled to compensation for being therefore compelled to leave. The Amendment was quite unnecessary.

Mr. SYNAN observed, that the right hon. and learned Gentleman (Mr. Gibson) had not displayed his usual ability in proposing this Amendment, for, having moved an Amendment which would bring the tenant within the Act of 1870, he now proposed the word "not," in order to take him out of that Act.

Mr. MORGAN LLOYD thought that the Amendment would reduce the clause to an absurdity; though if the word had been "unless," he could have understood the argument.

Mr. GIBSON admitted that, as the Amendment stood, a word appeared to have been omitted; but with regard to the Attorney General for Ireland's explanation as to the landlord having his equities under the Land Act, he would point out that the right hon. and learned Gentleman gave here a clear and distinct definition of law perfectly new as to the tenant, and then he left the landlord to stir up the old law. If they left the tenant to the same equity clauses as the landlord he should be satisfied.

Mr. GLADSTONE mentioned that the equity clauses of the Act of 1870 provided that if the landlord was willing to permit the tenant to continue on just and reasonable terms, and such terms were refused, the claim of the tenant should be disallowed.

Mr. GRANTHAM suggested the introduction of a word or two providing that the tenant's right to compensation should be as in the case of disturbance.

Mr. GIBSON accepted the suggestion as a compromise, and would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 4, line 18, after the word "to," to insert the word "claim."—(*Mr. Gibson.*)

Question proposed, "That the word 'claim' be there inserted."

Mr. A. M. SULLIVAN appealed to the Government to stand by the same phraseology as that in the Land Act of 1870, observing that if there was anything ambiguous in saying a tenant should be entitled to compensation, there was more ambiguity in saying he should be entitled to claim. Although the Act said a tenant should be entitled to compensation, there were scores of tenants who got nothing at all; and there could be no mistake if the phraseology now on the Statute Book was adhered to.

Mr. CHARLES RUSSELL said, it did not need a statute to give a tenant the right to claim, for any man might claim anything he liked. As the section stood, it referred a tenant's claim at once to the equity clauses of the Act.

Mr. BRODRICK said, there had been great differences of opinion as to the Land Act. One or two County Court Judges had held that it was necessary to give compensation, according to the wording of the Act, wherever compensation was claimed, while the majority of County Court Judges had considered that in any case it was open to them to refuse compensation altogether. He thought it was desirable to clear up this doubt, and that the word "claim" would give great satisfaction to all parties.

Mr. BIGGAR supposed that no one would agree to the Amendment, because it was absurd. As the clause stood, it would be in the power of the Court to give compensation, and anything that would weaken that provision would do injury and lead to litigation.

Mr. EDWARD CLARKE understood that the Government had assented across the Table to this Amendment. It was important to introduce the word "claim," because otherwise the sub-section would contain a declaration that the tenant was entitled to compensation.

Mr. GIVAN explained, that in order to bring a claim for compensation before the Court, a tenant had to file what was called "a claim;" and, therefore, the proposed word would be superfluous.

Sir STAFFORD NORTHCOTE reminded the Committee that the phrase throughout the Act of 1870 was "claim compensation."

Mr. GRANTHAM said, there was a difference between a title to compensation and a title to claim compensation; and if the word "claim" was inserted, that would show that the tenant must go to the Land Act of 1870 to prove what his claim was.

Lord EDMOND FITZMAURICE thought the proposed word unnecessary, for the words in the clause were "he shall be entitled to compensation," and then "as in the case of disturbance." If County Court Judges had been foolish in interpreting the Act of 1870, no words could prevent them from making mistakes again.

Question put.

The Committee *divided:*—Ayes 194; Noes 41: Majority 153. —(Div. List, No. 258.)

MR. HEALY moved to report Progress, on the ground that the Irish Members found themselves dealing with Gentlemen whom the Prime Minister, on the second reading of the Bill, described as "persons who did not know their own minds, and whose opinions should not be deferred to." A number of Amendments were proposed by Gentlemen above the Gangway, and to which the Government generally acceded. Of that he now made no complaint; but this particular Amendment had been brought before the Committee, and before anyone, except a few Gentlemen on the Front Benches, knew what was about to be done, the Chairman declared that the "Ayes" had it. Now, he did not know that the Government had assented to that Amendment; but a series of conversations went on across the Table, and because Gentlemen on the two sides of the Table agreed in the recesses of their own minds, the rest of the House were barred from speaking. The Amendment just agreed to might be a very small one; but a series of small Amendments of this character, if agreed to by the Government, would minimize the effect of the Bill. They would be the grit in the wheel, and the dust that would clog the machinery. The Bill, as it originally stood, declared that the tenant was entitled to compensation; but now it would only delare that he might "claim compensation." The Government knew what had been the result of acceding to these small Amendments. In the Act of 1870 they had led them into the mess they were in in Ireland. What he complained of was that although the Irish Members had been watching the progress of this Bill with the closest attention, they were not allowed to know anything about the acceptance of this Amendment, and that was not a fair way of treating Members of the House.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Healy.*)

MR. GLADSTONE apologized to the hon. Member, admitting that he had assented to the Amendment by a nod or in some such way. It was one of the necessary conditions of carrying on the Business that, while the Committee constantly involved references to matters of the broadest and deepest consideration, they frequently had to descend to minute details and conversation; and it did sometimes happen, as it evidently had happened in this instance, that hon. Members who were perfectly entitled to know were not precisely cognizant of what was going on. He blamed himself for not having risen in his place to state that the Government agreed to the word "claim," and to give their reason, which was that the Amendment was intended to dispel an apprehension entertained by hon. Gentlemen opposite, needlessly, as he thought, but evidently sincerely and honestly. He was very sorry that he had not made that plain and clear.

MR. BIGGAR remarked, that while the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) was before the Committee, the hon. Member for Surrey (Mr. Grantham) suggested another Amendment as an alternative, and on the faith of some wink or nod across the Table, the Amendment of the right hon. and learned Gentleman was withdrawn, and that of the hon. Member for Surrey moved. The Government spoke against the Amendment of the right hon. and learned Gentleman (Mr. Gibson), and then some Member on that side of the House stated that the Government had agreed to the alternative Amendment on condition that the first was withdrawn. That having been done, the Government ceased to persevere, but did not give any reasons for their change of front. They simply spoke on one side and voted on the other. That was not the way in which Business should be carried on, and he protested against it. He did not know whether the Prime Minister approved of that or not.

MR. GIVAN said, it was regretable that the hon. Gentleman opposite (Mr. Healy) had not understood; but they on that (the Ministerial) side distinctly understood that the Government had agreed to the Amendment.

LORD RANDOLPH CHURCHILL could not help expressing to some extent his sympathy with the hon. Member for Wexford, or his irritation at the continual conversations between the two Front Benches. He thought the Government would do wisely to get rid of what the Prime Minister had described as a nod. It might be perfectly intelligible to the right hon. Gentlemen on the Front Benches, but unintelligible to Members below the Gangway. They had quite as much right as the Members on the Front Benches to take an interest in the Bill; but he hoped the hon. Member, after the warning he had given to the Government, would not press his Motion.

Mr. REDMOND desired to ask the hon. Member for Wexford (Mr. Healy) to withdraw his Motion without further delaying the Business; but, at the same time, he thought the hon. Member had done good service in making that Motion. On several occasions the proceedings had been conducted in such a slip-shod manner, and observations made across the Table in such an undertone, that they who were most interested in the ultimate shape in which the Bill would pass were utterly unable to follow the arguments. In calling attention to this, in the only practical way open to him, the hon. Member had done good service; but the hon. Member had no desire, nor had any of the Irish Members any desire, to impede the progress of the Bill. If, however, the Bill was to proceed in an orderly way, and to be made a better Bill, it was absolutely essential to conduct it in such a manner that all the Members could understand what was going on. While he hoped the progress of the Bill would not be retarded by other Motions of this kind or by further debate on this Motion, he trusted the Government would take warning from the Motion, and in future decide points of agreement or disagreement between the Front Bench in such a way that every Member could understand what was being discussed.

Mr. HEALY reminded the Government that the Amendment was not on the Paper, and said, that after the explanation of the right hon. Gentleman that he agreed to it by a nod, and as even Jove sometimes nodded, he would withdraw the Motion.

Motion, by leave, *withdrawn.*

Amendment proposed,

In page 4, line 20, before "The," insert "where the tenant does not accept such increase, the landlord or."—(*Mr. Grantham.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he could not accept the Amendment. The landlord's access to the Court to fix a fair rent would be dealt with in the 7th clause.

Mr. EDWARD CLARKE hoped the words proposed would be accepted, because they would effectuate what he understood to be the intention of the Government in this matter. It had been conceded that the right of appealing to the Court should belong equally to the landlord and the tenant, and he understood that it was the intention of the right hon. Gentleman, when the 7th clause was reached, to say that the landlord equally with the tenant might invoke the assistance of the Court. But it was necessary, as this clause stood, that the landlord, in order to claim protection, should go to the Court in the first instance; and it was only completing the intention to say that the landlord might give notice of the proposed increase. If the tenant did not accept the increase, he could be dealt with in the mode prescribed in the 2nd or 3rd section. The Court would fix what the tenant should pay; but why should not the landlord have the power of asking the Court to say whether the tenant should pay him so much more rent? To omit these words here would leave the section manifestly one-sided, giving protection only to the tenant, when the Government intended to put both tenants and landlords on an absolutely equal footing. This was the best place in which to insert these words.

Mr. W. E. FORSTER observed, that the clause was necessarily one-sided, and must be so, because it had regard to the action of the landlord. It was the landlord who demanded the increase. The proper place for these words would be the 7th clause.

Mr. GRANTHAM pointed out that the landlord would make his demand believing that he was entitled to an increase; but he would not know until the tenant objected that the increase was not to be accepted, and it would only be then that he found that there was a dispute, and that would be the time for him to determine whether he would go to the Court. It seemed to him that his Amendment would carry out the intention of the Government better than Clause 7, and far better than by Clause 7 only, because this clause would indicate that where the tenant objected to the demand he might go to the Court; while Clause 7 provided that the landlord might go to the Court. The two clauses would be contradictory. He doubted whether this clause did, by itself, express the object and meaning of the Bill.

MR. MORGAN LLOYD thought the Committee ought to take the clause as it now stood.

MR. W. H. SMITH desired to point out that the Committee had already introduced into Section 2 a proviso that the landlord might apply to the Court in the case of future tenancies; but it appeared that by sub-section 2 a different rule was to be applied to the landlord in the case of present tenancies. It did not seem to him that there would be the least inconvenience in admitting in this sub-section the same principle which it was intended to admit in the 7th clause of the Bill. If it were intended, under Clause 7, to admit the right of the landlord, equally with the tenant, to apply to the Court to fix the rent, he could not see how any valid objection could be raised to the Amendment of his hon. Friend.

MR. GLADSTONE: The right hon. Gentleman has spoken in an excellent spirit; but what does his argument amount to? What does he say? He says—"You are going, under Clause 7, to empower the landlord to go to the Court." Undoubtedly, we mean to do that. But the right hon. Gentleman goes on to say—"As you mean to do that in Clause 7, why not do it here?" Surely this would be a very odd method of framing a Bill. According to that argument, the circumstance that you are about to enact anything in a certain clause, affords a reason of introducing the same enactment in another clause of the Bill. I should have thought decidedly not.

MR. GIBSON said, he did not think there was any real difference of principle on either side. After all, this was more or less a drafting controversy, and therefore he would only state in a few sentences why he thought it reasonable that one of two Amendments should be made in the clause. He would be satisfied if sub-section 4 were struck out altogether; or, if the Committee desired to retain sub-section 4, which was in favour of giving a right to the tenant, for the special purposes of this clause, to apply to the Court, he should be satisfied if the same right were given equally to the landlord. Why did not the Government see their way to yielding to this Amendment? He could not think it was worth their while to refuse to accept the Amendment, which was certainly in accordance with justice. All the Amendment asked was, that the landlord should be permitted to arrest the hostile litigation on the part of the tenant at some stage or other of the proceedings, and to go to the Court and ask it to arbitrate between the parties and say what was a fair rent.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) admitted that this was very largely a merely verbal controversy; but his objection to the Amendment was that it would spoil the drafting of the Bill. The supporters of the Amendment wanted to force into this 3rd clause what the Government had postponed, with the consent of the Committee, to the 7th section.

MR. GRAY said, he was of opinion that this was considerably more than a mere question of drafting. The Amendment would offer a premium to the landlord to demand more than a fair rent, and he could fall back on the Court to fix a judicial rent. The landlord would know that he could not suffer at all from demanding an unfair rent, because the tenant would often give way through dread of litigation. Therefore, he thought that the Amendment would be a very mischievous one.

SIR STAFFORD NORTHCOTE hardly thought it would be desirable to put the Committee to the trouble of a division on this subject, which had now been pretty fully discussed, and which could, probably, be more conveniently raised on a future occasion. He hoped, therefore, that his hon. and learned Friend would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

MR. CHARLES RUSSELL, on rising to move the next Amendment, observed, that so many alterations had been made in the Bill that he trusted it would be reprinted as soon as possible. As he originally drew his Amendment, it raised the whole question of present and future tenancies; but as that question had already been largely discussed, and as the Committee had expressed an opinion upon it, he did not propose to raise it again on this occasion. Therefore, it would be necessary to insert in his Amendment, as it stood upon the Paper, after the word "tenant," the words "of a present tenancy." The Amendment would read thus:—To leave out sub-section 4, and to insert these words—

"Where the tenant of a present tenancy declines to accept such increase the landlord may apply to the Court, in manner hereinafter in this Act mentioned, to have the rent fixed, and, until determined by the Court, no increase of rent shall take place."

Amendment proposed,

In page 4, leave out sub-section 4, and insert "Where the tenant of a present tenancy declines to accept such increase the landlord may apply to the Court, in manner hereinafter in this Act mentioned, to have the rent fixed, and, until determined by the Court, no increase of rent shall take place."—(*Mr. C. Russell.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he must make the same objection to this as he had made to the previous Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 4, line 22, at end of Clause, to add, as an additional sub-section, the following:—(5.) "Provided that the landlord shall not be at liberty to demand an increase of rent from the tenant a present or future tenancy without the consent of the Court first obtained for that purpose upon proof by the landlord that he has reasonable grounds for making such demand."—(*Mr. Givan.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) hoped his hon. Friend would not press this Amendment. In the first place, it was open to the objection he had made to the last two Amendments, and there was also further objection to it. The Government wished to leave the landlord unfettered in demanding an increase of rent, leaving him free to take the consequences of that demand. From the tenant's point of view, he believed this Amendment would be rather injurious to him. His hon. Friend thought the landlord ought to be allowed to go to the Court in the first instance; but if a *primâ facie* application were made, it would necessarily be made in the absence of the tenant. In this way the Court would be, to some extent, pledged behind the tenant's back to an increase of rent, or else there would be a preliminary controversy, which would end in nothing, and the two hearings would be to the disadvantage of the man with the lightest purse.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 4, line 22, at end of Clause, add "The provisions of this section shall not apply in the case of any tenancy where the holding in which such tenancy subsists has theretofore been maintained and improved by the landlord."—(*Mr. Dundas.*)

The O'DONOGHUE wished to raise a point of Order, and asked the Chairman, whether this Amendment was not the same as one which had been already disposed of?

The CHAIRMAN said, he had some doubts whether it was exactly the same; but, undoubtedly, it was practically the same.

Mr. GLADSTONE said, the Government would ask the Committee to exclude estates managed on the English system from the operation of Clause 7; but they did not think it wise to give to those estates the characteristic of a totally different set of provisions, in regard to the landlord, from the general law relating to agricultural holdings in Ireland. In conformity with that view, the Committee had decided that the provisions relating to tenant right should be applicable to estates managed on the English principle. Although the Government thought the ground for applying those provisions so managed was quite conclusive, yet he must observe that it was evident that the reason for exempting English-managed estates was much weaker in this case than it was in the case of tenant right. The interference by this clause with rents was much less strong than the interference as to tenant right, which the Committee had already determined upon; and, therefore, this Amendment could not in consistency be adopted.

Amendment, by leave, *withdrawn.*

Mr. GRAY said, he was not exaggerating in saying there were 100,000 tenants in Ireland who would be excluded from the benefit of the Bill, unless the Government took into consideration the question of dealing with tenants in arrears, who were in that position through no fault of their own. The Amendment did not propose to deal in any sweeping manner with all former arrears, but simply allow the tenant in arrears to apply to the Court, and if he could show that the rent was excessive, the Court might reduce the amount of arrears, and grant him a statutory term during the currency of which the arrears might be paid in instalments. In determining whether the rent was excessive, the Court would take into consideration the failure of crops from past bad seasons. The Government had given some indication that they would take the matter into consideration, and he trusted the right hon. Gentleman the Prime Minister would now be able to state what were the intentions of the Government with regard to this very vital question of arrears. Her Majesty's Government must be aware of the profound interest with which the subject was regarded in Ireland, and that it had been considered by almost every representative body in the country, as well as at nearly every public meeting held in reference to the Land Question. In the discussions which had taken place in Ireland it had been declared that one of the improvements essential to the Bill, unless it was intended to exclude a highly deserving class, must be that it should deal in some way with the question of arrears, and not lead to the ruin of those tenants who were in arrear through no fault of their own. He trusted the Prime Minister would be able to give some satisfactory assurance on this point; and in the absence of his hon. Friend the Member for Carlow County (Mr. Macfarlane), he begged to move the Amendment standing in the name of that hon. Member.

Amendment proposed,

In page 4, line 22, at the end of Clause, to add "In the case of tenants who are in arrears with their rent, and are, in consequence of such arrears, excluded from the benefit of this Act, it shall be competent for such tenant to apply to the Court, and if he can show to the satisfaction of the Court that such arrears are due to an excessive rent, the Court may reduce such arrears by such sum as it may deem equitable under the circumstances, and grant to the said tenant a statutory term, during the currency of which he shall pay up the balance of arrears in such instalments as the Court may direct. In determining what constitutes excessive rent for this purpose, the Court shall take into consideration the failure of crops from past bad seasons."—(*Mr. Gray.*)

Mr. GLADSTONE: I think the hon. Member for Carlow (Mr. Gray) will admit that the term incongruous does not improperly describe this addition to the clause, which hangs on to it by a thread matters of extreme delicacy as well as extreme importance. There is contained in this clause, on the one hand, all that matter of controversy which occupied us last year for four months, and which ended in what we all consider to have been a deplorable catastrophe. I am speaking of this as a reason why it would be a very serious question to approach, and not as a reason why nothing should be done. We have made a provision in the Bill which goes some way towards securing that those persons who are now under process should obtain the means of selling their property, and thereby experience a benefit from the Act. It is further signified to the Committee that, in our view, the provision should be so extended—and it would require considerable extension—as that there should be no failure in the extension, which should operate to deprive the tenant of the full benefit of that price which he would obtain for his tenant right, from the incoming tenant. That would be in itself a very important enactment, and it ought to be fully considered by the Committee, and the arguments upon it fully heard, before it would be possible to say whether any further addition ought to be made. My impression—and I think the general impression—would be that the provision indicated would be sufficient, or, at any rate, it would be the duty of those who think it insufficient, to argue the case upon it, and show the necessity for extending it. It will not be before the end of the Bill is nearly reached that the proper opportunity for testing this proposal will present itself; and, consequently, I am able now to say nothing which might go beyond the limits of that proposal. Moreover, I carefully guard myself on the question of going beyond those limits. As I do not think the time has yet arrived for discussing the question embodied in the Amendment of the hon. Member opposite, I venture to express the hope that he will withdraw it.

Mr. PARNELL said, he felt rather disappointed with the remarks of the Prime Minister. He had hoped, from the very remarkable consensus of opinion in Ireland as to the necessity of doing something with regard to the question of arrears, that the Government would have considered the matter before the 13th clause of the Bill had been reached, and that they would have considered the propriety of taking up the question themselves, and of making some announcement to the Committee beforehand, in the same way as they had done in reference to certain concessions which had been made already. The Irish tenants, for whose benefit the Compensation for Disturbance Bill was brought in last year, had very naturally expected that the present Bill would do as much for them as was intended to be done by the attempted legislation of last year. As a matter of fact, this Bill did not propose to do nearly as much for the tenant now under arrears of rent on account of the failure of crops, or on account of the nature of the rent, as was intended to be done by the Compensation for Disturbance Bill. That Bill distinctly left it in the power of the Court to have regard to the proposal made by the landlord to the tenant with respect to the arrears of rent. But no proposal was put into this Bill with regard to arrears of rent. It was true that by the 13th clause the Court would be able to fix the rent, but distinctly the clause did not go so far as the Compensation for Disturbance Bill. He admitted to the fullest extent that the question of arrears of rent was a very difficult one to approach; but he had hoped that the Prime Minister by that time would have seen his way to say something more than that the Government would take this matter into consideration, especially having heard the views of the promoters of the Amendment. Looking at the experience of the Government in this matter, he said unless they were able to make up their minds to do something with the question of arrears, it would be too late when the 13th clause was reached for Irish Members to impress their views upon them. The question was one which, in his opinion, ought not to be left to private Members; and having regard to the almost universal public opinion in Ireland, he thought the Government might fairly put their views upon paper with regard to the 13th clause, so that Irish tenants and everyone interested might know what they had to expect. He thought if it were known that the Government were going to deal with arrears, that it would be found that the landlords having to deal with tenants who were unable to pay their rent would stop evicting, because they would see that it was useless for them to attempt to forestall the action of the Bill. He and his hon. Friends had been repeatedly blamed because they had not told the tenants to pay rent, whether just or not; but if the Government announced their intention as regarded this matter, the tenants who were able to pay their rents would pay them, because they would know that they had nothing to expect from the Bill, and that their case was no longer mixed up with others. If they did not pay, the landlords might evict them, and get their property clear, and the tenant who came in would come in as a future tenant. This would do more to enable the Government to discriminate between cases of ejectment than anything else, because the landlord now evicting tenants unable to pay would not persist in that conduct; whereas the eviction of tenants who were able to pay would continue, while the Government would be in a position to come to the House of Commons and give the House an assurance that unjust evictions were put a stop to. Under the circumstances, he thought the country was entitled to some information with regard to the intentions of the Government in connection with the matter of evictions in Ireland.

MR. MACFARLANE said, he regretted to have been absent from the House when the Amendment standing in his name was called, and to have lost the opportunity of hearing the remarks of the right hon. Gentleman the Prime Minister thereupon. He thought the Amendment was intrinsically reasonable and just, and that it would be a great hardship that the tenant who happened to be in arrears, from causes over which he had no control—namely, excessive rent and failure of crops—should be debarred from the operation of the Act. It was with the object of removing that hardship that he had put this Amendment on the Paper; and he trusted that at a future, if not at the present, stage of the Bill, Her Majesty's Government would deal with the question in a very serious spirit. If the tenants in arrears were debarred from the benefit of the Bill, their exclusion would undoubtedly add 50,000 persons to the discontented remainder that would exist after the passing of the Act; and this, like all other measures passed on Irish questions, would be incomplete and insufficient, and would not give satisfaction to the Irish people.

MR. T. P. O'CONNOR said, the action of the Government with regard to the question raised by this Amendment would decide whether the Bill, then on its passage through that House, would be worth something or be absolutely valueless, so far as Ireland was concerned. Upon the Bill would depend the question as to whether there was to be peace or war between the Irish tenants and Irish landlords. The cause of the disturbance in Ireland was, that the landlords insisted in exacting from their tenants the very last farthing of rent due to them under the old conditions. He thought it was certainly too late in the day to discuss in that House whether the tenants were able to pay their full rents. He would address some arguments upon this question to hon. Members opposite; but he thought they would be entirely thrown away on the Minister who was responsible last year for the miscarriage of the Disturbance Bill, because that Bill was obtained by false pretences, unless it was true that the general distress of three years' duration in Ireland had produced a large, if not a general, inability to meet existing rents. What was the cause of the serious disturbances and collision between the landlord and tenant at the present moment but that a certain number of tenants were unable to pay their rents? A large number of landlords would be quite willing to settle with their tenants if they could receive even half-a-year's rent; even the landlords who claimed two years' rent would agree to that. But what was the condition which they made as a proviso to the settlement? It was not that the tenant was to get a full receipt for all arrears, but that he should pay half-a-year's rent down and hold himself liable for the remainder of the rent due. And it worked in this way—that even up to the present day there was retained in Ireland, from the Famine years, a hanging gale, which meant that in spite of the present Bill and the Land Act of 1870, and of all enactments whatsoever, that the landlord by keeping this claim over the heads of the tenants, held them completely in his hands. The reason, then, that they would not pay, was because they knew the Bill would be useless to them, unless some such provision as that contained in the Amendment was introduced into it. Therefore, he said that if the Government acceded to the views of Irish Representatives in this question, they would do more for the pacification of Ireland than by half-a-dozen Coercion Acts and 50,000 soldiers or police. With regard to the Amendment before the Committee, he thought that without some such provision as it contained the good of the future tenants of Ireland would be gained at the sacrifice of that of the large body of present tenants; and he thought that he and those who sat near him would be guilty of base desertion of the men by whom this Bill had been made possible, if they did not declare that it should not, if they could help it, be turned out an utterly worthless measure. For his own part, he should vote against the third reading unless the subject of arrears was satisfactorily dealt with by the Government.

MR. A. M. SULLIVAN hoped the Government would not, either by anger or the reverse, be deflected from what was the right course to be pursued in this matter. He appealed to his Colleagues about him, in making the present proposal, to endeavour to do so in a spirit that would lead to an amicable and conciliatory settlement. For his own part, he had determined not to refer to the bitter quarrel alluded to by the hon. Member who had just sat down, in the hope of making it possible for the Government to do right upon this question, even if they had done wrong upon the other. They were dealing with the course of action to be taken when the landlord was applying for an increase of rent, and he thought the present was hardly the place to discuss the question of arrears; and, even if it was so, he would point out to the hon. Member for Carlow (Mr. Gray) that there were objections of principle to the shape in which the Amendment came before the Committee. His hon. Friend would give the Court the power to deal with these arrears; but he (Mr. A. M. Sullivan) hoped that the Irish tenants would get no such thought into their minds as that if they get a just Bill there would be any more wiping out of rents. They must be made to understand that they must pay the rent punctually and honestly. They must also get rid of the idea of eleemosynary relief being administered to them from time to time. He was, in short, for starting with a clear page of the Statute Book in the matter of rents. But the unanimous feeling in Ireland was with regard to present arrears, which were destroying the tenantry of Ireland, and which had accrued by reason of excessive rent in the past. He pointed out that at present, under the process of eviction, to give the right to the tenants to sell their holdings was merely to pass a beneficial Act enabling the landlords to recover their rents. The tenant was not replaced in possession of the soil or under his own roof-tree, he was only enabled to sell for a better price; and if he did sell, the Bill enabled the landlord to stop all the extortionate arrears from the purchase money, to the prejudice of every other just creditor which the tenant might have. He was confident, therefore, that the generously-devised intention of the Government would not carry out the object they had in view. With regard to the observation of the hon. Member for Galway (Mr. T. P. O'Connor) that the Bill would be worthless if the Amendment was not passed, he would remark that he had heard a great deal too much about the Bill being valueless without this Amendment or that Amendment, which would, if they were passed, lead to future complication undoubtedly. He believed the question of arrears involved the happiness or misery of thousands of families in Ireland, and trusted the Government would deal with it in the right spirit.

Colonel COLTHURST rose to join in the appeal of his hon. Friend, for he thought the importance of this matter could not be overlooked. To give an illustration, he knew of a property which had been sold twice or three times during the last 35 years with accumulated arrears, for the tenants were in arrears when it was first sold, and those former arrears were now hanging like a millstone round their necks. The tenants were forced to take out leases by the nobleman who owned the property at one time, but who was no longer alive; and these leases were at a high rent with the proviso that the rent should not be increased. The nobleman did not increase the rent; but he sold the property with the high rent, and that was the position of the tenants with arrears more than 30 years old hanging over them. What had happened there had also happened in many other cases; and he appealed to the Government to take this matter into their consideration, and not to leave it to the efforts of private Members. He knew there were plans more or less permissible on the Paper for dealing with this question; but he was certain that Her Majesty's Government could deal with it much better than anybody else. He hoped they would give an assurance that they would take the matter in hand themselves.

Mr. MACFARLANE said, the hon. and learned Member for Meath (Mr. A. M. Sullivan) had misunderstood the object of the Amendment. There was no intention of applying it to any other tenants than those who were now in arrear. It was never contemplated that the exemption as to payment of arrears should be continuous and for ever.

Mr. RITCHIE had no doubt that arrears were very unpleasant things to those who owed them, and so were debts. They would all be very glad of some clause which would wipe off all the money they now owed; and many landlords would be glad to get rid of the interests of mortgagees in that fashion. But what he desired to point out was that it was the good landlord who had shown consideration for his tenantry who would be hit by this Amendment. The landlord who had insisted on arrears being paid up, and who had carried out evictions in order to obtain them, had already got his money; but the landlord who desired to show consideration for his tenantry on account of bad times and of the many disadvantages under which they had had to labour, and who had allowed arrears to accumulate, would, by this Amendment, have to pay a penalty for his kindness. He hoped the Government would never consent to such a measure of confiscation as that would undoubtedly be—a confiscation of legal debts due to the landlord. If they hampered their Bill with such a provision they would add very much to the difficulties in the way of its passing into law.

Mr. SYNAN thought the hon. Member for the Tower Hamlets (Mr. Ritchie) had fallen into an error, for the Amendment did not apply to the case of good landlords who had had fair rents; it only referred to the Court two questions for consideration—first, whether the rent was exorbitant and impossible to be paid; and, secondly, what claim might arise through the failure of the crops during the bad seasons of the last five or six years. It merely gave a jurisdiction to the Court. With regard to the question of "white-washing," as stated in an ironical manner by the hon. Gentleman, there were many Acts of Parliament which enabled people to take advantage of that peculiar process; but, unfortunately, the Irish tenant had no Act of Parliament to enable him to be "white-washed," and to keep his holding and his occupation at the same time. It would be a beneficent operation if he could be "white-washed;" but he could not be freed, as other people were, from the payment of his debts. He (Mr. Synan) agreed with what had been said as to this not being the particular place in the Bill in which the Amendment should be introduced; but he thought it had been put upon the Paper at this point for the purpose of getting some early expression of opinion from the Government on the subject, and he hoped that expression of opinion would be forthcoming. He hoped the Government would consider the question of present arrears, and all matters arising out of leases drawn up since the Act of 1870, and under which advantage had been taken of the tenants to compel them to contract themselves out of that Act. He thought he heard the Government on Friday express an intention to consider this question, and he hoped that a still more definite and substantial assurance would be given by them now. No doubt, it would be idle for the Irish Members—some 50 or 60 of them—to attempt to carry any Amendment against the Government; but the Government themselves ought to take this matter up; and if they would only promise to do so the present Amendment would, in all probability, be withdrawn. He would only say, in conclusion, that this act would make the Bill more popular in Ireland than all the acts of its open or secret enemies could do to make it the contrary.

MR. O'SHAUGHNESSY thought that unless this question of arrears was settled in some satisfactory way there would be no peace in Ireland for many a day, however good—and no doubt they were very good—the provisions of this Bill might be. He could not do too much to impress his sense of the importance of this matter upon the attention of the Government. It should be remembered that the Mover of the Amendment confined the cases in which he proposed to give redress to those of tenants now in arrear, and who showed to the satisfaction of the Court that such arrears were due to excess of rent. Most Irish Members knew that many tenants in Ireland were in arrear even where their rent was not excessive but moderate, such cases arising from the failure of the crops, and those tenants were quite as much entitled to consideration as those whose rents were excessive. It was stated at the end of the Amendment that—

> "In determining what constitutes excessive rent for this purpose, the Court shall take into consideration the failure of the crops from past bad seasons;"

but that did not apply to fair rents. Then there was the aggravation of the farmer's condition caused by the general agricultural depression which sprang out of the enormous importations of food from America. Now, there were many tenants who would not be excluded from all the benefits of this Act, and notably who would enjoy the benefit of free sale, but who, by the words of the Amendment as it stood at present, would be excluded from all benefit in dealing with the question of arrears. On that ground he thought the Amendment inadequate and insufficient; and he agreed with the hon. Member for Limerick (Mr. Synan) in thinking the place suggested by the Prime Minister was the proper place for the introduction of the Amendment. As to the suggestion that the tenant, by having the power of free sale, would be placed in a better position with regard to these arrears, he thought there were many tenants now in Ireland who, if they sold their tenancies in the market tomorrow, would not recover the amount of their arrears in consequence of failure of the crops and of the agricultural depression which went along with that failure. It seemed to him, then, that there were certain elements necessary for properly dealing with this question which were not all to be found in this Amendment. In addition to the power of giving the abatement which was given here in certain cases, and to the power of spreading the remainder of the rent in instalments over a certain number of years, he thought it might be necessary to provide some means by which it would be possible to advance, on public security, some money, either from the Irish Church Fund or from some other source, for the purpose of aiding tenants to settle with their landlords. If the tenants spoke plainly, and the landlord got rid of hopeless arrears by receiving one-half or two-thirds in ready money, the landlord would doubtless prefer that to getting the arrears spread over a number of years. That could be done if means were provided for getting advances from the Treasury or from the Irish Church Fund; and he (Mr. O'Shaughnessy) would never advocate such a proposal unless security was given for the repayment of the advances. He trusted that the discussion of the Amendment would be postponed to a more suitable time, and that when it was resumed the Amendment itself would be amended.

Mr. T. P. O'CONNOR, in reply to what had been said by the hon. Member for the Tower Hamlets (Mr. Ritchie), wished to read a paragraph from the preliminary Report of the Richmond Commission. That paragraph ran as follows:—

> "In common with the rest of the United Kingdom, the agricultural depression of the years 1877, 1878, and 1879, has greatly affected Ireland, and has been, to some extent, increased in that country by the absence of manufacturing industries and other sources of employment. There is no doubt that the depression has fallen with extreme severity upon the smaller farmers. We have, therefore, reason to fear that a very large proportion of those farmers are insolvent; and it is stated that the bountiful harvest of this year has alone prevented their entire collapse."

That paragraph, pledging itself to the fact that a large number of the tenantry were in a condition of hopeless insolvency, had appended to it the names of H. Chaplin, C. T. Ritchie, and B. B. Hunter Rodwell.

Mr. GRAY acknowledged that the Prime Minister was right in saying, as a matter of draftsmanship, that this was not the most convenient place for the insertion of the Amendment. He agreed also with the view that the terms of the Amendment were not sufficiently wide, and thought that the words "agricultural depression" could be advantageously substituted for "failure of crops." But a very large principle was involved in the Amendment, and hon. Members who held his opinion in reference to its importance would find themselves placed in a false position if the Government were not able to give some better assurance than had been given by the Prime Minister as to their intentions in regard to it. The Prime Minister had only promised that the Government would take the question into what he (Mr. Gray) might call their "unfavourable consideration." He thought the action of the Irish Members would be thoroughly misunderstood in Ireland if they withdrew the Amendment now. There was a large section of people in Ireland who regarded the Bill with favour, but who would rather see it defeated than not have the question of arrears adequately dealt with. There were thousands of tenants in Ireland who would be ruined if the Bill passed in its present shape, for they would be sold out without any sort of sympathy, and who would be despatched with the small balance of the purchase money which remained after the landlord had been paid his unjust claims to the last farthing—a balance just about sufficient to take them across the Atlantic and out of the way. This was really one of the most vital questions in connection with the Bill; and he was confident that the vote of a large number of the Irish Members for or against the third reading would be decided by the action of the Government in regard to it. It might be inconvenient to press the question at this particular moment, and possibly the question might be prejudiced by an adverse vote; but he felt the most extreme difficulty in advising the withdrawal of the Amendment after the very unfavourable answer given by the Prime Minister.

Mr. MITCHELL HENRY felt bound to say a few words on the question, for it touched a class of tenants who, he deliberately affirmed, would receive no benefit whatever from the Bill as it stood. What benefit would be given to the small tenants of Connemara and the West of Ireland by leave to sell their holdings? None whatever. The idea that the carrying out of the Ulster Custom in Galway and in Mayo, and in portions of Kerry, would be of benefit to the tenants was an utter delusion. The only thing it would do would be to enable the landlords to get them out of the country; and every man who went away under such circumstances would be another enemy added to the vast numbers of the enemies of this country who were already to be found on the other side of the Atlantic. He had understood the Prime Minister to say on a former occasion that he was prepared to deal with the question of arrears in a reasonable and conciliatory spirit, and he (Mr. Mitchell Henry) had therefore regretted the proposal of this Amendment. But, the Amendment having been proposed, he quite sympathized with the difficulty felt as to its withdrawal after the speech of the Prime Minister. It would be treason to this country if those who knew what was the condition of Ireland were to let the Bill leave the House without a serious attempt to deal with the question of arrears, for in those parts of Ireland to which he had referred, and with which he was so well acquainted, such an imperfect measure would only provide a nucleus for all kinds of disturbance and discontent. At the same time, he regretted that so militant a spirit had been shown by the hon. Member for Galway City (Mr. T. P. O'Connor). Nothing was to be gained by threatening what would happen if they did not immediately get their own way. The true way to proceed was to try and convince the House of Commons that it was desirable to deal with the subject. He trusted that the Government would make some promise that they would seriously consider the question. At the same time, it was impossible for anyone seriously to propose to wipe out these arrears altogether. The landlords of Ireland required subsistence as well as other people, and to suppose that these arrears were to be altogether wiped away was to suppose that this country would commit an act of injustice such as had never been perpetrated in any civilized country in the world. But it would be quite possible to make some advance out of the Irish Church Fund —a fund belonging, not to this country, but to Ireland—which would enable the tenants to make compositions with their landlords. Numbers of tenants were in arrears, and both landlords and tenants must share in the loss from bad harvests; but it must be done in a fair spirit, and nobody with the interest of the tenants at heart would ever advocate such an impossibility as making the landlords simply beggars by wiping out a great portion of their property.

Mr. MACARTNEY wished, as there had been a good deal said upon one side, to say a few words upon the other. It had been said by the hon. and learned Member for Limerick (Mr. O'Shaughnessy) that a large body of the Irish tenants were now insolvent; and the hon. and learned Gentleman wished to maintain them in the occupation of their farms, though he (Mr. Macartney) did not know in what way. If the Government put their hands to this difficult task, they must do it upon some principle of fairness to the landlords as well as to the tenants. If the tenant was unable to pay one gale of rent down he should not be entitled to have his arrears capitalized. It was absurd to say that the rent now due should have its payment postponed, while the landlord, who had been postponing his receipt of rent out of consideration for the tenant, was without 1*d*. It was said that the tenants were penniless. But so were many of the landlords. They were not receiving their rents, and were living, some on advances made largely by the banks, some on loans, and some on advances from their friends in this country and in Scotland. What would be the position of those landlords if the whole of the arrears of rent were to be taken into consideration by the Court? It must not be forgotten that the tenants in Ireland were always in arrear. There was always what was called the hanging gale. The half-year's rent due in May was not generally payable until November, and, even in good years, the tenant generally took his time to Christmas before he paid it. If it was paid before Christmas it was considered quite good payment. [A Voice: That is rack rent.] He was not speaking of rack rent at all. The whole of Ireland was not rack-rented. In the North, the part with which he was best acquainted, the rent was paid once a year, and the tenant was frequently a year in arrear. In bad years the rents fell more and more into arrear; and, although landlords had offered 15, 20, and 25 per cent reduction, the tenants had not paid, but most of them had obeyed the orders of the Land League. How was the landlord to live, unless he was to get some portion of the rent that was due to him? It was all most unfair. He thought that if the

Government looked into the question, and introduced some provision empowering tenants who were in arrear beyond half-a-year's rent to pay by instalments, the period for the completion of the payment being 10, 15, or 20 years, they would not be doing an unfair thing. It was said that this Bill was an act of justice—every day they heard in the House that England was now performing a great act of generosity to Ireland. But how was it to be done? The relief that was to be given to the Irish tenants was to come out of the pockets of the Irish landlords. Some hon. Members opposite suggested that it should come from the Irish Church Fund; but to that he objected, hoping that the fund would be devoted to other purposes; and if the House, in its magnanimity, and grandeur, and justice, chose to relieve the tenants the amount that was given to them should be paid out of the National Exchequer.

Mr. GLADSTONE said, the hon. Member who had just sat down had exhibited a desire to speak before him, and he had given way; but he could not enter into, nor admire, the concluding sentences of the hon. Member. At the same time, he fully concurred in what he had said in the opening sentences of his speech—namely, that any proposal must not be in the interests of the tenants alone, but must also have regard to the interests of others. He (Mr. Gladstone), however, only rose for the purpose of correcting a misapprehension which appeared to exist in the minds of some hon. Members. He was represented as having arrived at an erroneous judgment, whereas all he wished to do was to avoid giving any premature pledge. There was nothing more dangerous than to give a hasty pledge on a matter of such delicacy and importance. His mind was unbiased on this subject of arrears; he had come to no unfavourable conclusion; but he was not prepared to give any pledge except the promise that the question should have that reasonable consideration which was due to it. It was necessary that the various proposals should be carefully weighed, and the subject in every way carefully examined, in order that it might be dealt with in a just and practicable manner.

Mr. GRAY said, that after the assurances the Committee had received from the right hon. Gentleman he would withdraw his Amendment.

Mr. CHAPLIN said, he would not detain the Committee more than a minute; but something had fallen from the hon. Member for Galway in reference to the Richmond Commission which should not be allowed to pass without notice. The hon. Member had quoted a paragraph from the Report of the Commission, which would give the Committee the impression that the Commissioners believed that the general state of insolvency among the small tenants in the West of Ireland had been caused by excessive rents. The hon. Member ought to have read the paragraph which followed. As he had not done so, and as it was very short, he (Mr. Chaplin) would read it himself—

> "With respect to the very small holders in the Western district of Ireland, we are satisfied that with the slightest failure of their crops they would be unable to exist on the produce of their crops, even if they paid no rents."

Mr. T. P. O'CONNOR said, the hon. Member said that if the small tenants in the West of Ireland had their farms for nothing they could not live on them; and his contention, therefore, was that they should pay all their rent.

Mr. BIGGAR said, it had been stated by some of his political Friends that he did not wish to see any Land Bill passed this Session. Well, if proper provision was made for the case of parties who were in arrear, in consequence of excessive rents, he did wish the Bill to pass this Session; but, on the other hand, unless provision was made for such people, he did not wish it to pass. No doubt, the question of fixing the rents of present and future tenants was a very important matter; but the only really urgent part of the Land Question was as to those persons who were in arrear through excessive rents. The Chief Secretary to the Lord Lieutenant alleged that there were no persons who had been evicted or who were going to be evicted in consequence of non-payment of excessive rents; but he did not accept the right hon. Gentleman as a satisfactory witness in this matter, because, invariably, when questions were put to him, the right hon. Gentlemen, like all professional witnesses, remembered all that could be said in favour of one side—the landlords—and forgot everything that could be said on behalf of the other side—the tenants. He (Mr. Biggar) did not argue that all parties in arrear were so in consequence of having had to pay excessive rents; but he did contend that unless some provision was made in the measure to relieve persons in arrear in consequence of excessive rentals the Bill would do no practical good, and would lead to great disappointment.

Sir JOSEPH M'KENNA said, that whether this question of arrears through excessive rentals was dealt with or not, he wished to see the Land Bill passed this Session; and, in view of its passing, he wished to say this to the Government—that it was altogether in their hands whether or not the Amendments the Irish Members put forward were made in the Bill, and that, if they did not accept them, the responsibility was theirs alone. He would not offer any factious opposition to the passing of the Bill; but, as he had already said, on the occasion of the second reading of the Bill, he believed it would be altogether futile to expect that any Bill could be produced that would be satisfactory to Ireland which would, at the same time, altogether spare the British Exchequer.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 4 (Incidents of tenancy subject to statutory conditions).

Mr. GIVAN said, he had an Amendment on the Paper which involved an important principle and would probably lead to some discussion. The energies of the Committee might, perhaps, be better employed in proceeding to the clauses than with his Amendment; and, if he could see any way in which the question could be discussed hereafter, he would withdraw it. But he had spoken to one or two Friends on the matter, and they did not see how the question could arise again. The Amendment touched a principle which ran through the whole of the Bill from beginning to end, and that was the principle of making the forfeiture of tenant's interest—in point of fact of the tenancy—a result of a breach of statutory conditions. The Bill did a great deal for the tenant; but he held that all that it would do for the tenant would be counterbalanced by this unjust and uncalled for provision, which would be an entire innovation in the law. He was not aware of any existing law by which a tenant could be ejected for breach of conditions save non-payment of rent. The law, as it at present stood, provided ample protection for the landlord, because it enabled him, in the easiest possible manner, to obtain an injunction from the magistrates to restrain the tenant from committing waste on his farm. Therefore, if the law were adequate to prevent the tenant from committing waste, it was not necessary that they should enact any additional restriction against waste. As to breach of other statutory conditions, the landlord would have the power of bringing an action against a tenant and recovering damages in respect thereof. He thought that to say that the tenancy could be forfeited for anything but non-payment of rent would be opening the door for litigation to the landlord. Frequent attempts to terminate the tenancies would be made which would, no doubt, lead to very evil results.

Amendment proposed,

In page 4, line 26, leave out from "except" to "the conditions," line 27, and insert "for non-payment of rent, and shall observe."—(*Mr. Givan.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Government intended to propose other provisions to effect the hon. Member's object. Whilst the possibility of what was somewhat inaccurately called forfeiture remained, the Court should, he thought, have power to deal with small breaches that might occur, by awarding damages, or absolutely staying proceedings as might be thought just.

Mr. BIGGAR said, that one of the great grievances under the Act of 1870 was that when a tenant was evicted under it he had no compensation. The bad landlord was able to evict a tenant without giving compensation; and the good landlord was forced to give compensation. There should be no such thing as ejectment for non-payment of rent; but the landlord ought to be able to obtain arrears of rent by the ordinary process of the law. The landlord should levy by distress like an ordinary creditor. He could not see why they should allow a landlord to eject a tenant for non-payment of one year's rent, while that tenant's interest in the land might amount to four or five years' rent.

Amendment, by leave, *withdrawn.*

Dr. COMMINS said, he had to move the next Amendment, which was to give in reality to the Irish tenantry that protection against ejectment which they were supposed to have under the Bill. Practically, under the clause as it now stood, a tenant could be evicted as soon as he was six months in arrear with his rent. The day after the rent was due the tenant was liable to eviction, though he was supposed not to be so liable until the expiration of 12 months. The effect of the Amendment would be to give the tenant a substantial instead of a customary and nominal protection.

Amendment proposed,

In sub-clause 1, page 4, line 29, leave out from "shall" to end of sub-section, and insert "not leave arrears of rent due by him unpaid for twelve months after notice in writing has been served upon him by his landlord. That in case of such arrears remaining so unpaid the landlord will thereupon institute proceedings to compel him to quit the holding for which such arrears have remained so unpaid."—(*Dr. Commins.*)

Mr. SYNAN said, he did not think any Amendment could be more unpleasant to the Irish tenant than this, which would make it compulsory on the landlord to commence proceedings against the tenant whether he wanted to do so or not. The complaint was that Irish landlords were too ready to take proceedings; and here they had introduced an Amendment for the purpose of compelling the landlords to do that which the tenants were anxious should not be done. Perhaps he misunderstood the object of his hon. and learned Friend, but he believed it was to do away with the custom of hanging gales in Ireland. But the hanging gale was not adverse to the tenant; and if the landlord was willing to allow not only one, but two hanging gales, that would be so much to the benefit of the tenant, unless, indeed, it was made an argument for the purpose of rack-renting. Some people believed that hanging gales existed only where there were rack-rents; but that was not the fact, for he himself knew them to exist where there were no rack-rents. Landlords should be left to avail themselves of the ordinary powers of the law of the country, or he and the tenant should be allowed to arrange between themselves without making it compulsory on the landlord to take proceedings where there were hanging gales.

Dr. COMMINS said, his hon. Friend had not only mistaken the drift of the Amendment, but also its very words. It would appear that the hon. Member had not even read it. The 1st sub-section provided the conditions, for breach of which the eviction should take place; and the first condition was that the tenant should pay his rent at the appointed time. The "appointed time," as everyone knew, meant the first day it was due. That was the time appointed by law, and by contract, and the time appointed under the Act, so that the tenant who had not paid his rent on the day it was due, and was one day in arrear, was liable to eviction under the provisions of the Act relating to evictions in Ireland. ["No!"] But the Act said "Yes." The Amendment provided that the landlord who was about to take advantage of that breach of condition should give 12 months' notice before issuing process. It seemed to him that the thing was perfectly clear and could not be misunderstood.

Amendment *negatived.*

Sir HARDINGE GIFFARD said, he had, next, a proposal on the Paper, which he had put down more by way of suggestion than Amendment, and which he should not press if the Government did not agree to it. They were making a statutory lease, and attaching conditions to it; and if the words stood as they were in the Bill, the effect of it would be to prevent the attachment of any of those conditions providing the rent was not paid at the proper time. This was not a condition of the landlord or tenant, but one imposed by statute; and unless the right hon. Gentleman consented, in some part of the Bill, to give the landlord the power of continuing the conditions, it appeared to him (Sir Hardinge Giffard) that once the tenant had committed a breach by nonpayment for a single day the conditions were gone. Under the circumstances, it seemed well worthy of consideration whether some such words—he was not enamoured of these precise terms—were not worthy of acceptance. They were dealing with a lease under the statute, and if the tenant had made a breach of that lease according to the present wording of the Bill the rights of the tenant would be gone.

Amendment proposed,

> In page 4, line 29, after "rent," insert "from time to time, when the same becomes due, or within twenty-one days thereafter, or on such day, or within such time thereafter as the landlord may from time to time appoint."—(*Sir Hardinge Giffard.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he would consider the suggestion of the hon. and learned Gentleman, who feared that if a single hour beyond the appointed time the rent remained unpaid the condition would be gone. The matter was one of importance; and, though he did not like the phraseology of the Amendment, if, on looking carefully into the matter, he found that Amendment was wanted, he would bring up words on Report to effect what was necessary.

Amendment, by leave, *withdrawn.*

MR. BUXTON said, as the Amendment in his name was very much to the same effect, he would not move it, and was content to leave the matter in the hands of the Government.

MR. M'COAN said, that the explanation of the Attorney General for Ireland had shown that he was entirely under a misconception in putting his Amendment on the Paper. He would not move it.

THE CHAIRMAN: The next two Amendments are not in their proper place. The Amendment of the hon. and learned Member for Meath (Mr. A. M. Sullivan) is next.

MR. PARNELL asked the Prime Minister at what portion of the Bill it would be most convenient for him that the question of arrears should be brought forward? This Amendment of the hon. and learned Member for Meath led up to the question, and there were several Amendments on the subject to different parts of the Bill, and it would be convenient to know on what portion of the Bill it would best suit the Government to have the question discussed, otherwise the Committee might get involved in a series of small discussions on the question of arrears, and waste a good deal of time.

MR. GLADSTONE was under the impression that it would be difficult to keep the substantive question of arrears distinct, and the best form of dealing with it would be under a new clause.

The hon. and learned Member for Meath (Mr. A. M. Sullivan) not being in his place, the CHAIRMAN called upon the hon. and learned Member for Launceston (Sir Hardinge Giffard) to proceed with his Amendment.

MR. A. M. SULLIVAN, entering the House at the same time, said, he was sorry he was not in his place to move the Amendment he had to Clause 4. It was——

THE CHAIRMAN: The hon. and learned Gentleman's name was called, and, he not being present, the next Amendment has been called.

SIR HARDINGE GIFFARD rose to move, in page 4, lines 30 to 33, to leave out from the word "not," in line 30, to the word "watercourses," in line 42, both inclusive, in order to insert—

> "Cultivate the holding in a good and husbandlike manner, and shall maintain in due and proper repair all the buildings, erections, fixtures, fences, drains, and watercourses standing, or being upon the said holding, at the commencement of a statutory term, or which, at any time thereafter, may be added thereto. (3.) The tenant shall not commit, permit, or suffer the deterioration of any of the soil of said holding, or (without consent in writing of the landlord) break up old pasture land. (4.) The tenant shall not, without the consent of the landlord in writing first had and obtained, have or exercise any right of mining or taking minerals; quarrying or taking stone, marble, gravel, sand, or slate; cutting or taking timber or turf, except such timber as either the tenant or his predecessor in title may have planted and registered."

This Amendment was a matter of more serious importance than the last, to which he had drawn attention. In following the words in the Bill he could hardly conceive a provision more calculated to involve continuous litigation. As the clause stood, it only provided against the commission of persistent waste by the dilapidation of buildings, or deterioration of the soil by the tenant, after notice given by the landlord. Surely there ought to be some such provision as he suggested, though he was not enamoured of the particular words, as part of the strict conditions of this 15 years' lease. What the word "persistent" meant in the Bill he did not know, and he observed there was an Amendment to leave it out; but the tenant was to be subject to damages for dilapidation of buildings, or deterioration of soil; but what was involved in this was left entirely at large. But, surely, it was possible for the Committee to point out, in a definite and distinct form, what it was that the tenant was to be prevented from doing. He had suggested these words for the purpose, and they would be familiar to his hon. and learned Friends opposite. The tenant would be required to maintain good husbandry, and to keep in repair buildings, fixtures, fences, and so on, and he would be prohibited from suffering deterioration of the soil, or, without consent, breaking up old pasture lands. This last was an extreme mischief, for which damages gave no remedy. Was there to be no power of preventing such an injury to a dairy farm as that, and there had been threats of such injury? All there was in the Bill was the provision that the tenant should not commit persistent waste after notice not to do so, so that if the landlord did not know, and did not send the notice, an old pasture might be ploughed up, and there was no remedy under the Bill except damages. If that was the intention of the Government, he should like to hear it; if not, then some words, if not precisely those he proposed, enforcing these conditions upon the tenant under penalty of eviction, and preventing this irreparable injury to the landlord, for which damages were no compensation.

Amendment proposed,

In page 4, lines 30 to 33, leave out from "not," in line 30, to "watercourses," in line 42, both inclusive, and insert "cultivate the said holding in a good and husbandlike manner, and shall maintain in due and proper repair all the buildings, erections, fixtures, fences, drains, and watercourses standing or being upon the said holding at the commencement of a statutory term, or which at any time thereafter may be added thereto."

"(3.) The tenant shall not commit, permit, or suffer the deterioration of any of the soil of the said holding, or (without the consent in writing of the landlord) break up old pasture land.

"(4.) The tenant shall not, without the consent of the landlord in writing first had and obtained, have or exercise any right of—

Mining or taking minerals;
Quarrying or taking stone, marble, gravel, sand, or slate;
Cutting or taking timber or turf, except such timber as either the tenant or his predecessors in title may have planted and registered."—(*Sir Hardinge Giffard.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought his hon. and learned Friend had forgotten the great distinction there must be between ordinary leases and tenancies under this clause. In the first place, it must be recollected that presumably all improvements were made by the Irish tenant; and, secondly, under the Bill, tenants would be capable of selling their tenant right, including those improvements, so that a tenant who wasted or destroyed any part of the holding would, in fact, be taking so much money out of his own pocket. The landlord would have that protection for his property that the tenant's own self-interest provided, and where free sale had hitherto obtained it was not found that the tenant had been so foolish as to destroy or wilfully diminish the value of what he had to sell. The Bill, however, provided against persistent waste by dilapidation, or deterioration of soil; but that, in the view of his right hon. and learned Friend opposite, did not provide sufficient protection; but he based his contention on the case of a dairy farm which did not come under the Bill at all. Furthermore, by the 36th section of the Act of 1870 the landlord possessed the means of stopping any waste, an effectual remedy being provided by giving him the means of obtaining an order from any local magistrate to stop or prevent the waste. The landlord, therefore, would hardly need such a condition for his protection. The Bill did not attempt to codify the whole law as between landlord and tenant, but left the general law in operation; the Court of Chancery remained with its jurisdiction by injunction, and the power of stopping waste by a magistrate's order remained. As to the particular proposals in the Amendment, he reminded the Committee that a tenant from year to year had no right whatever to work the minerals in his holding. These belonged to the landlord, and it would be waste for the tenant to undertake mining, or quarrying, or cutting down timber. The landlord to whom these substantial rights belonged still remained the owner, no matter whether the term of tenure was fixed at 10 or 10,000 years. What was required was that the landlord should be enabled to get at those things that belonged to him without being liable to the tenant for trespass, and this the Bill provided for. The Amendment was addressed to an object amply provided for by the Bill, coupled with the general law of the land, which was left wholly undisturbed. It would simply say to the tenant—"You shall not do that which now you have no right to do," while it did not preserve to the landlord what the clause proposed to give—the right of going on to the tenant's land trespass free to get at what belonged not to him but to the landlord.

MR. EDWARD CLARKE said, it was not the most favourable time for the discussion of a legal technicality; but the answer which the Attorney General for Ireland had just made was so remarkable that it would bear some discussion. He answered his hon. and learned Friend, first, by saying that there was a distinction between the position of tenants in England and tenants in Ireland, in that in Ireland the improvements were, for the most part, made by the tenants. Undoubtedly, in the majority of cases that was so; but in a large number of cases, and with regard to a considerable area of Ireland, the landlords had made the improvements, and there the answer did not apply. But where it did, and where the improvements were once made, was it only for the advantage of the tenant, and did it not become an element in the landlord's security for the rent of the holding, and was it not for the interest of the landlord, that the improvements should be protected? Nor was it sufficient to say that the tenant would not do such things, because they would injure the interest he had to sell. The landlord had no check on the tenant in this respect. No doubt the tenant, acting as a reasonable person and looking forward to the time of selling, would not commit waste or do those things that injured the tenancy; but he was afraid they could not deal with Ireland as if all the tenants were sensible men, and the landlord was entitled to the provision of going in and re-taking possession of the holding when he found the tenant committing waste or injury there. Then, as to the second answer, which was that in cases of wilful injury the landlord had the power of going to the Petty Sessions Court and obtaining a magistrate's summons for the punishment of the tenant. Here you take in the administration of the Criminal Law on to an estate where it was not necessary. It was said the section did not suggest itself as a code of law, but was taken in connection with the ordinary law. But would it not be of the greatest value when Parliament was drawing up a section of this kind which, in future, would be the pattern for similar Bills, applicable not only to Ireland, when drawing up these definite terms that were to be the established forms of tenancy from year to year, that when drawn up by Parliament, these terms should contain conditions of at least as reasonable strictness as would be inserted in an agreement drawn up for a single tenancy? But this was not the case with the Bill. There were phrases which were exceedingly difficult to interpret. The tenant was not to commit or permit persistent waste or deterioration of the soil, or dilapidation of buildings, after notice had been given by the landlord to the tenant to desist from such action. He quite agreed that in the majority of cases a man's self interest would warn him not to do these things; but if, in certain cases, it was probable that these injuries would be done to the landlord's reversion of the holding, then the simplest way of dealing with them would be, in the first instance, to make his refraining from doing these injuries a condition of the tenant's retaining the holding, and to put in those conditions of agreement which he at least must observe—conditions such as any reasonable man would insert in his agreement.

MR. MORGAN LLOYD said, that would be imposing upon the tenant a burden which was not imposed upon him by the general law—namely, that he should keep the premises, buildings, fences, and everything else in a state of repair. It would be introducing a covenant to repair of the strictest kind into the terms of letting, the breach of which would subject the tenant to a forfeiture of his tenancy, against which no Court of Equity would have any power to relieve the tenant.

MR. A. M. SULLIVAN said, nothing was more calculated than this Amendment to give rise to a vast amount of litigation. The tenant was to forfeit all his rights under this Bill if he omitted to cultivate the holding in a good husband-like manner, or to maintain buildings, fixtures, erections, fences, drains, and watercourses. Here was a splendid prospect for the Profession to which he belonged. What was a fixture? Here was an ocean of litigation. Then, again, the case of drains. Suppose a tenant omitted to keep a drain in repair—a drain, probably, altogether beyond his view—was he to forfeit all his rights? He hardly thought the hon. and learned Gentleman could mean that; and, with all respect to him, he half thought the hon. and learned Gentleman was attempting a practical joke on the Committee.

Mr. GIBSON said, the proposal of his hon. and learned Friend was thoroughly lawyer-like, and put forward in a common sense manner. Surely there was no difficulty in understanding it. The Committee were told that they were not dealing with perpetuity of tenure, but with a period of 15 years. If the landlord was compelled by the Bill to hand over the administration of his property for 15 years, it was only reasonable that the tenant should be subjected to the condition that he should not utterly destroy the property so intrusted to him by the State. The landlord had a right to this when, for high reasons of State, his property was intrusted to a tenant for 15 years, and he could not see that field for litigation that the hon. and learned Member for Meath (Mr. A. M. Sullivan) seemed to fear. Without such an Amendment the Bill would leave the tenant for a year to go on with operations of waste; and, after all, the tenant could double back upon the landlord with a claim for disturbance.

The ATTORNEY GENERAL for IRELAND (Mr. Law) observed, that the whole of the matters referred to in the Amendment were, under the ordinary law, included in the word "waste," which was neither made more or less by the introduction of a catalogue, each item in which might be made the subject of litigation. A tenant having committed waste could, at any hour of the day, be stopped by application to the nearest justice of the peace, and, if persisting, would be liable to the so-called forfeiture of his holding; whilst no Court in such a case would award him damages for disturbance.

An hon. Member suggested that the words "shall cultivate his holding in a good and husband-like manner and not commit waste" should be added to the clause. He believed these words would meet the objections urged by hon. Members opposite, and trusted that the Government would admit them to the clause, otherwise he should not be able to vote for it. He was quite unable to see the meaning of the word "persistent" as employed in the clause; because it was followed by the words "after notice had been given by the landlord," which would, undoubtedly, imply that unless the notice was given by the landlord no waste would be committed. Therefore, he altogether objected to the word "persistent," and trusted Her Majesty's Government would adopt the suggestion he had made.

Sir HARDINGE GIFFARD said, the word "waste" did not occur in his Amendment, although it occurred in the Amendment of the hon. Member opposite. His Amendment distinctly pointed to nothing but real and substantial waste. The maintenance of buildings was, of course, a question of degree. He did not know whether his hon. Friend behind him had ever been in a case in which a landlord was entitled to judgment for right of forfeiture against a tenant; if so, he would know that it was by no means easy to obtain a decision in the landlord's favour. No tribunal, he believed, would allow any judgment to pass against a tenant for anything but what was real and substantial injury. The object of the Amendment was not to create litigation, but to introduce into the clause that clearness of statement which prevented litigation. The clause said "the tenant should not commit persistent waste;" and, although the passage was limited by the words "dilapidation of buildings or the deterioration of the soil," those terms were left entirely unexplained. Therefore, it appeared to him that a definite exposition of the things to which the clause applied should be given.

Amendment *negatived.*

Mr. CARTWRIGHT said, the word "persistent," introduced in connection with other words in the section, created a great deal of uncertainty, which would probably invite future litigation. He thought anyone who had cognizance of agricultural matters must have had experience of the word "waste," which was a perfectly well known agricultural term; but the meaning of the word "persistent," as a qualifying term, was, in this case, unintelligible. It was upon that word that issue would be taken. He submitted that in regard to an incident which was to rule future agricultural affairs in Ireland for many years, it was desirable that the expressions used should be clear, precise, and free from ambiguity. Inasmuch as the word "persistent" was likely to introduce uncertainty, he thought it better for the simplification of the section that it should be omitted therefrom, particularly as notice had to be given by the landlord to the tenant before persistent waste could take place.

Amendment proposed, in page 4, line 30, to leave out the word "persistent."—(*Mr. Cartwright.*)

Question proposed, "That the word 'persistent' stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could not agree to this Amendment. It was not their intention that a man should forfeit his interest because a single act of waste, however slight, was committed. The waste here contemplated was a deliberate act committed after attention had been called to it, and the tenant had been thus warned of his breach of duty.

MR. EDWARD CLARKE said, the word was unnecessary and perfectly unknown in law.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) should have thought quite the contrary. They did not mean an act of waste, but persistent waste after notice was given.

Question put.

The Committee *divided*:—Ayes 181; Noes 82: Majority 99.—(Div. List, No. 259.)

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

SALE OF INTOXICATING LIQUORS ON SUNDAY (WALES) BILL—[BILL 3.]

(*Mr. Roberts, Mr. Richard, Mr. Samuel Holland, Mr. Hussey Vivian, Mr. Rathbone.*)

CONSIDERATION.

Bill, as amended, *considered.*

Clause 1 (Premises where intoxicating liquors sold to be closed on Sundays in Wales).

MR. THOMASSON said, he had not moved the Amendment he now intended to propose on Wednesday last, because he thought it would have been ungracious to do so at that stage of the Bill. He proposed to add, at the end of Clause 1, an Amendment that between half-past 12 and half-past 2 on Sundays public-houses in Wales should be open for the sale of liquor for consumption off the premises. He had limited the Amendment in the strictest way possible to make it agreeable to the House, which was disposed to go a long way in the direction of curtailing the liberties of Her Majesty's subjects in Wales; and he had also followed the House of Lords Committee on Intemperance, which had recommended that public-houses should be open during the hours he had named for sale for consumption off the premises. His object was to enable the working man to get his jug of beer for his dinner on Sunday, and he did not think anything could be more reasonable than that. He did not suppose the House intended that working men should have to drink stale beer on Sundays, or that they expected people who were accustomed to drinking beer on week days not to drink beer on Sundays, or that they wished them to drink spirits on Sunday instead of beer.

Amendment proposed,

In page 1, line 12, after the word "Sunday," to insert the words "except in the afternoon between the hours of half-past twelve and half-past two, for the sale for consumption off the premises."—(*Mr. Thomasson.*)

Question proposed, "That those words be there inserted."

MR. RICHARD regretted that his hon. Friend had thought it his duty to introduce this Amendment, the effect of which would be to stultify the Bill entirely. The hon. Gentleman thought it his duty to protect the liberties of the people of Wales; but, as 29 of the 30 Representatives of Wales had demanded the Bill, he thought the hon. Member might trust the care of the liberties of the people of Wales to the Welsh Representatives. He had received that day a Petition signed by upwards of 16,000 of his constituents of all classes against an intention, of which they had received some intimation, to move to exempt Merthyr from the operation of the Bill. It was signed by the high constable, clergy, and ministers of all denominations, members of the Legal and Medical Professions, Guardians of the Poor, members of the Board of Health and of the school board, masters of public, elementary, and private schools, merchants, tradesmen, and working men of all trades. Two or three years ago a canvass on this question was made of Aberdare —part of his borough — and of 5,051 papers filled up, 4,659 were in favour of Sunday closing, 210 were against it, and 182 were neutral. Of 2,138 colliers, 1,976 approved of Sunday closing, 91 opposed it, and 71 were neutral. 776 artizan householders approved, 34 opposed, and 23 were neutral. 659 labourers approved, 28 opposed, and 24 were neutral. 33 farmers approved, and none opposed; and 176 railway servants approved, 16 opposed. He thought these statistics showed that the great body of the people, in his borough at any rate—and he believed it was the same throughout Wales—were in favour of the Bill.

Mr. WARTON moved that the debate be adjourned, because of the indecent haste with which it was being carried through the House. He did not know why there should be such haste on the part of the virtuous Members from Wales, and he thought more time should be given for reflection.

Motion made, and Question, "That the Debate be now adjourned,"—(*Mr. Warton,*)—put, and *negatived.*

Original Question again proposed.

Sir HARDINGE GIFFARD hoped the Amendment would be adopted, observing that the more oppressive and offensive a measure was the more likely it was to soon come to an end. Without the Amendment the Bill would cause a great deal of suffering, heart-burning, and discontent in Wales. Last Wednesday he had presented a Petition signed by 18,000 adult inhabitants of Swansea against the Bill; and he believed that the great body of the Welsh people did not understand what the effect of the Bill would be.

Mr. MORGAN LLOYD said, he knew Wales, North and South, better than the hon. and learned Gentleman, and there was a strong feeling from one end of Wales to the other in favour of the Bill. There had been no Petition in favour of such a modification as this Amendment; there had been no demand from the publicans for an alteration in

the Bill, and the universal feeling was in favour of the Bill in its present form, without Amendment or alteration.

Mr. HUSSEY VIVIAN said, he thought he knew more about Swansea, where he was born and had lived all his life, than the hon. and learned Gentleman opposite. He had not been applied to by a single soul in Swansea to oppose the Bill, except by a deputation of licensed victuallers. The Vicar of Swansea had written to him that a Petition had been got up by the licensed victuallers, which professed to represent the feelings of the people; but he believed that it did not represent the feelings of the people, and that there had been some grievous mistake about the signatures. It showed that 47 pilots had signed the Petition; but there were only 36 pilots in the borough, and of those 36, 15 had sent a Memorial to him (Mr. Hussey Vivian) stating that they had been grossly misrepresented, never having signed the Petition at all, and urging the Welsh Members to support the Bill. He was convinced that the vast majority of the people of Swansea coincided with their brethren in other parts of Wales; and were in favour of the Bill. The Amendment would utterly emasculate the Bill, and he hoped the House would not accept it.

Mr. DILLWYN, as the Representative of Swansea, said, he believed the feeling there was almost unanimous for the Bill, and he did not know where the 18,000 Petitioners mentioned by the hon. and learned Gentleman had been found. Except from the licensed victuallers he had not heard a single word against the Bill.

Question put.

The House *divided:*—Ayes 32; Noes 81: Majority 49.—(Div. List, No. 260.)

Mr. THOMASSON stated that, after that decision by the House, he should not move the second Amendment standing in his name.

Clause 3 (Commencement of Act).

Mr. ROBERTS moved, in page 1, line 18, to leave out the word "county," and insert the word "division."

Amendment *agreed to.*

Bill to be read the third time upon *Wednesday* 6th July.

NEWSPAPERS (LAW OF LIBEL) BILL.

(*Mr. Hutchinson, Mr. Gregory, Mr. Edward Leatham, Mr. Samuel Morley.*)

[BILL 5.] CONSIDERATION.

Bill, as amended, *further considered.*

MR. WARTON wished to ask Mr. Speaker's opinion on a point of Order. He wished to know whether he could reverse the fiat of the Attorney General upon his Amendments? He had said to the House what he wished to say; therefore he would not press this point.

New Clause (Publication of ex parte statements before a magistrate, &c.)—(*Mr. Warton,*)—*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. BRIGGS said, he could not allow the new clause to pass at this hour of the morning. He would move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Briggs.*)

THE ATTORNEY GENERAL (Sir HENRY JAMES) hoped the House would dispose of this matter, and pointed out to the hon. and learned Member for Bridport (Mr. Warton) that the proposed clause could have no effect on the Bill. The clause said that the 2nd and 3rd sections of the Act should not apply to proceedings before the magistrates. Well, these sections did not apply to proceedings before the magistrates. They only applied to public meetings, and proceedings before the magistrates were not public meetings. He hoped the hon. Member for Blackburn (Mr. Briggs) would not persist in his Motion, and so obstruct the progress of the Bill.

Motion, by leave, *withdrawn.*

Question put, and *negatived.*

MR. WARTON said, there was a great deal of force in what the Attorney General had said as to the last Amendment; but he (Mr. Warton) had another on the Paper which, he thought, did relate to the subject of the Bill, and did refer to public meetings. The Amendment was very important, and would apply to meetings of railway shareholders or bank directors, at which statements were made reflecting upon the conduct of some person or persons. It would be known when these statements were made that the meeting was to be adjourned, and that an opportunity would be given to the parties interested to reply. At the adjourned meeting parties might come forward and repel the accusations; and he therefore proposed that the new protection should not be given to newspapers publishing a report of the first meeting, but only to those who published their report after the adjourned meeting had been held.

New Clause,—

(Provision as to ex parte statements at public meetings.)

"The protection afforded by sections two and three of this Act shall not extend to the case of the publication of any ex parte statement made at a public meeting, which public meeting was adjourned, unless such publication be made after such adjourned meeting,"—(*Mr. Warton,*) —*brought up,* and read the first time.

Motion made, and Question proposed, "That the said Clause be now read a second time."

MR. HUTCHINSON said, that it would be in the interest of the public that the reports should appear without delay. He could not agree to the Amendment.

Question put, and *negatived.*

Bill to be read the third time *To-morrow,* at Two of the clock.

MOTIONS.

REGULATION OF THE FORCES BILL.

On Motion of Mr. Secretary CHILDERS, Bill to amend the Law respecting the Regulation of Her Majesty's Forces, and to amend "The Army Discipline and Regulation Act, 1879," *ordered* to be brought in by Mr. Secretary CHILDERS, The JUDGE ADVOCATE GENERAL, and Mr. CAMPBELL-BANNERMAN.

Bill *presented,* and read the first time. [Bill 193.]

STATIONERY OFFICE (CONTROLLER'S REPORT).

Ordered, That the Lords Message [2nd June] be now considered.

Ordered, That a Select Committee be appointed of Five Members to join with the Committee of Five Lords (as mentioned in the Message of the Lords of the 2nd day of this instant June), to consider the First Report of the Controller of Her Majesty's Stationery Office.

Ordered, That the Select Committee do consist of the following Members:—Mr. Courtney, Mr. Cubitt, Mr. Massey, Mr. O'Shaughnessy, and Mr. Winn.

Ordered, That the Committee have power to send for persons, papers, and records; that Three be the quorum of the Committee.

Ordered, That a Message be sent to the Lords to acquaint their Lordships that this House, having considered their Lordships' Message, has appointed a Select Committee of Five Members to join with the Committee appointed by the House of Lords, as mentioned in their Lordships Message of Thursday the 2nd day of this instant June, to consider the First Report of the Controller of Her Majesty's Stationery Office; and that the Clerk do carry the said Message.—(*Lord Frederick Cavendish.*)

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Tuesday, 21*st June*, 1881.

MINUTES.]—*Sat First in Parliament*—The Lord Tenterden, after the death of his uncle.

Public Bills—*First Reading*—Local Government Provisional Orders (Acton, &c.) * (121); Pier and Harbour Orders Confirmation * (122).

Second Reading—Petty Sessions Clerks (Ireland)* (113); Consolidated Fund (No. 3) *; Post Office (Land) * (114).

Select Committee—Stolen Goods * (86), *nominated.*

Committee—Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.) * (111).

Committee—Report—Local Government (Ireland) Provisional Orders (Ballymena, &c.) * (110); Local Government Provisional Orders (Cottingham, &c.) * (112).

Third Reading—Tramways (Ireland) Acts Amendment * (92); Inclosure Provisional Order (Thurstaston Common) * (76); Land Tax Commissioners' Names * (109), and *passed.*

BULGARIA (POLITICAL AFFAIRS).

QUESTION.

The Earl of CAMPERDOWN said, he wished to ask the Secretary of State for Foreign Affairs a Question, of which he had given him private Notice, with regard to recent events in Bulgaria. It was now some weeks since Europe was surprised by a sudden announcement that either the Bulgarian Constitution must be suspended, or the Bulgarian Throne declared vacant. As to the immediate causes which led to this sudden announcement, they had hitherto received no official information; and, as a month had since elapsed, it was not premature to ask the noble Earl whether he could give the House any information which would throw light on the subject?

Earl GRANVILLE: My Lords, I can quite understand the wish of the noble Earl to receive information upon this important question. The feeling in this country is very naturally inclined to revolt at the idea of anything that looks like a *coup d'etat*, or the disruption of a Constitution by anything but legal and constitutional means. But I am desirous to state what I have to say in an impartial and practical manner. It should be remembered that the Constitution of Bulgaria was not provided in the Treaty of Berlin. One was drawn up by the Russian Commissary and presented, before the accession of the Prince, to the Assembly of Notables. Important changes were made in this Constitution by the Assembly; they struck out the clerical, judicial, and nominated members; they gave universal suffrage, and abolished the Council of State, which, I apprehend, was intended to act as a Second Chamber. It appears that the Prince thought this democratic Constitution unfitted to a population unaccustomed to political life, and of whom only a small number were educated. The Prince was much dissatisfied with the Constitution as it was then settled—so much so, indeed, that, looking at the Papers at the Foreign Office, it appears that the Prince was very unwilling to accept the Throne at all, and he only did so after receiving encouragement from some of the Great Powers. His Royal Highness has continued, from time to time, to complain of the inefficiency of this Constitution and of the impossibility of his usefully discharging the duties intrusted to him with such imperfect machinery. Very different accounts are given with regard to the working of this Constitution. Those who oppose it declare that the result has been no government at all; that the Assembly represents exclusively the peasants, who are ignorant of politics, impatient of any taxation, and are only desirous of opposing all authorities; that reforms of the Administration have been thus rendered impossible; that great injustice has been done to the Mussulmans, contrary to the provisions of the Treaty of

Berlin. The opposite party say there is a gross exaggeration in these complaints, and appeal triumphantly to the great increase of revenue under this Constitution. The English Representative at Sofia during the late Government recorded his opinion that there was no government at all, although he thought the Prince exaggerated to himself the difficulties created by the Constitution. Mr. Lascelles, whose excellent judgment and tact seem to have acquired for him the respect and confidence of both parties, and who has uniformly recommended prudence and moderation to both, has been of opinion that the Constitution does require revision, though he is opposed to any violence in effecting the change. A Report fully describing the working of the Constitution is shortly expected from him. I have been informed by Englishmen of great authority, but whose names I have not received permission to quote, that in their opinion the weakness of the Executive is such as to make good government almost impossible. I am bound to admit that I myself have observed that whereas it is so desirable that Bulgaria should act for herself, it was impossible to secure fair treatment of certain minorities without the undesirable pressure of ourselves and other Powers. The Prince claims the right, which every man has, to abdicate a position in which he feels he can be of no use. Such threats or offers of abdication have not been without precedent. The late King of the Belgians, a very sagacious Sovereign, at an important crisis at Brussels, made such an offer with success, and with general approval. But this claim is not one which can be universally recognized without any qualification. I remember the late Sir Robert Peel, when criticizing a fact of contemporary history, dwelling upon the duty of a Minister in ordinary times to be ever sensitively ready to resign; but in a time of crisis he maintained that the responsibility lay in the opposite direction. The Prince may be perfectly right to desire some revision of the Constitution as an alternative to his abdication; he may be perfectly right to appeal to the National Assembly itself to decide the matter. We have not yet had any full explanations of some of the steps he has taken. But I think it is clear that before taking the final step, which may plunge the country which he agreed to govern into internal anarchy, and possibly into complications with powerful neighbours, he ought to try all he can to arrive at a satisfactory arrangement—I may almost say compromise—with the Assembly. On the other hand, it appears to me that it would be madness on the part of a population lately emancipated, with little political experience, of whom it is said that none but the schoolmasters and stationmasters have sufficient education to fill official situations, not to try to arrive at a friendly understanding with the Prince, and to agree to improvements and reforms which, while they did not sacrifice liberty, would also secure order and justice to all classes of the community. The matter is, no doubt, one of very great importance, and I hope it will be settled in a manner satisfactory.

ARMY RE-ORGANIZATION—THE MEMORANDUM—OFFICERS—GOOD SERVICE REWARDS.

QUESTION. OBSERVATIONS.

LORD CHELMSFORD, in rising to ask the Under Secretary of State for War, Whether it is still intended to deprive general officers, who may be retired under the provisions of the warrant which is to come into force on the 1st July next, of the good service reward which under present conditions they are entitled to retain until they are appointed colonel of a regiment or colonel commandant? said, he had already on a previous occasion pointed out to their Lordships how unjust it would be to deprive general officers of this reward. He had hoped that the representations made by several of these officers, pointing out how unfair the proposal was, would have had some effect, and that some remedy would have been applied; but he regretted to find that the intention still existed to deprive these officers of the reward. Under the proposed scheme that mark of Her Majesty's approbation would be taken from those officers, and what was called a pecuniary equivalent would be given in its place. No doubt general officers, as a class, were not rich men; he might say they were generally poor men. They did not spurn the benefit of pecuniary emolument; but he thought it was somewhat unfair to take away this distinguished service reward, even from a sentimental point of view. The rule, at the present moment, was that an officer should hold a distinguished service reward until he was appointed to the colonelcy of a regiment. The colonelcy of a regiment was merely a higher development of that distinguished service reward; and when the officer received the colonelcy of a regiment he resigned his distinguished service reward only to receive a more honourable position in the Army. Under the new scheme, those officers would be placed on the retired list, with nothing to show that Her Majesty had specially rewarded them for their service. They were not allowed to remain on the active list, and many of them could not ever expect to receive the colonelcy of a regiment in consequence of their position on the list. They attached very great value indeed to the mark of distinction they possessed, and they felt hurt at being deprived of it. If this question was to be taken in a purely commercial point of view, he thought it was right that it should be done in a logical and just manner, and an officer receiving a higher rate of pay should be dealt with more liberally than an officer receiving a smaller rate of pay. It would be replied that officers were not compelled to accept the new conditions, and that they might remain under the old rules. That sounded very plausible, but it was not correct; for they would not be allowed to remain on the active list for employment. The Secretary of State for War, in his speech in the House of Commons on the 3rd of March, said that he proposed with respect to general officers of the Army to apply to them the system of pay, promotion, and retirement which applied to flag officers in the Navy. That promise, as he understood the matter, had not under the new scheme been carried out. Flag officers and general officers of the Marines were allowed to retain their good-service reward when retired, and he thought that the general officers, to whose case he was referring, might fairly claim that the same conditions as were accorded to the Navy should be accorded to them. There were minor points connected with retirement in the Navy which were also much more favourable than the system applied to general officers, particularly with regard to compulsory retirement. The rule proposed was that general officers who have been unemployed for five years should be compulsorily retired. In the Navy a flag officer was not compulsorily retired until he had been 10 years unemployed. An Admiral at the age of 65, after 30 years' sea service, would have £850; and if he were entitled besides to count five years' extra sea service, he would have £100 a-year more, making up £950. General officers at the same age would receive £980; but each of those officers had sunk £4,500 in his commission, the interest on which alone was £200 a-year; and no one could therefore say that £30 a-year more than a flag officer received was an adequate pension for a general officer. In conclusion, that matter was deeply felt by the general officers who held that distinguished service reward; and he could but express his hope that the Secretary of State for War, who had dealt so liberally with other officers, would give his best consideration to that question, and would do what was possible to alleviate the grievance under which the general officers laboured.

THE EARL OF MORLEY said, he had no reason to complain of the manner in which the noble and gallant Lord who had just spoken had brought forward that subject; but he would venture to maintain that, practically, no injustice whatever was done to those officers on retirement under the Regulations which would come into force on the 1st of July next in respect of their good service reward. The point which had to be considered was, what would be the position of officers under the present system as compared with the new? Existing general officers would have the absolute option on the 1st of July of accepting the new scale of half-pay and of retired pay, or of continuing on the same terms as regarded unattached pay, good-service pension, and prospects of obtaining a regimental colonency as at present, whether they were removed from the active list either by reaching the age of 62 as major-generals, or 67 as lieutenant-generals or generals, or by having been unemployed for five years. If they elected to continue as at present, they would, as at present, retain their good-service rewards till they obtained a regiment. If they chose to accept the new terms now offered, which we might presume they would only do if they were more advantageous to their interests than those to which they were at the present time entitled, they would then, like all generals appointed after the 1st of July, have to surrender their good-service rewards on retirement. There was nothing at all unfair in this. At present, all general officers drew the same unattached pay—namely, £450 per annum, with which they might also receive £100 reward for distinguished service. But on obtaining a regiment, which was worth, in ordinary cases, £1,000 per annum, and must be regarded as the great prize offered to an officer at the end of his military career, he at once relinquished his rewards. Under the proposed new arrangements there would be graduated rates of half-pay for generals on the active list—namely, £500 for major generals, £650 for lieutenant generals, £800 for full generals; and, similarly, there would be a graduated rate of retired pay for general officers of each rank when removed from the active list—namely, £700, £850, and £1,000 respectively, and the six field marshals would receive £1,300 a-year. These pensions, together with higher rates of half-pay, were calculated to be equivalent to the lower rate of unattached pay now drawn, and the paid colonelcies, because in the lower grades these retired pensions would be open to general officers at a much earlier age than they could now hope to obtain a regiment. Her Majesty's Government, therefore, strictly followed the precedent which now obtained with regard to distinguished service rewards, and when an officer retired with £200 more than he received, as long as he was on the active list he should resign his reward, just as he did now when he obtained a regiment, the value of which was about equivalent to the new retiring pension. If the two scales of remuneration were on an average nearly equal, it was clear that if a general were allowed to retain his reward when he was drawing the new retired pay, while he was under existing regulations prohibited from doing so as colonel of a regiment, they would be giving him an additional advantage which he had no right whatever to claim. He might add that field marshals, who were not subject to retirement, might retain their rewards. The new rates of half-pay and retired pay were calculated on the principle that the good-service rewards would not be held with retired pay. The noble and gallant Lord referred to the naval rates, and maintained that they were more advantageous than the rates offered to generals, because Admirals were allowed to carry their distinguished service rewards into retirement; but the naval pensions were on a lower scale than the military, the latter having been deliberately raised, so as to include the rewards. If the noble and gallant Lord were to insist upon retired generals retaining their rewards together with their pensions, it could only be done by entirely re-modelling the whole scale of half-pay and pension, and he (the Earl of Morley) did not think that this would be to the general advantage of officers affected.

TUNIS.

ADDRESS FOR CIRCULAR.

EARL DE LA WARR, in asking what were the present diplomatic relations between this country and the Regency of Tunis, and in moving an Address for

> "Copy of M. Roustan's Circular promulgating a decree of His Highness the Bey of Tunis constituting him, as French Minister resident, the sole official intermediary between all foreign representatives and the Government of Tunis; also for copy of the instructions issued to the British Political Agent at Tunis on the subject, and for other papers and correspondence relative to the treaty recently concluded between France and Tunis;"

said, he wished to address their Lordships on a subject which he believed the noble Earl opposite the Secretary of State for Foreign Affairs thought ought to be allowed to sink into oblivion *sub silentio* — "unwept." He would not say "unhonoured and unsung," for he gathered from what had fallen from his noble Friend at different times that transactions which had recently taken place, to which he was about to allude, were in his view honourable, and that it was a matter of rejoicing that a nation which made civilization its watchword had discharged what had been described as a "sacred duty" in taking an uncivilized country, as it was said, under its protection and nurturing care. He was sorry to say that he entirely differed from his noble Friend. He deeply lamented what had occurred. He saw in the steps taken by France with regard to Tunis much to deplore. He could not see that the course which had been adopted was an honourable one, neither could he see any cause for rejoicing that the so-called greater civilization of France was to be introduced into the Regency of Tunis. Viewing it apart from British interests, he conceived that Tunis was regarded as an uncivilized country, and that it needed the genial influence of a great Western Power to soften its manners and reform its abuses. He was inclined to take a somewhat different view. He doubted the existence of much sympathy between Western and Eastern civilization, and the good resulting from the contact of one with the other, and he thought he discerned in the Treaty of 1875 between this country and Tunis traces of civilization as great as in Treaties between what were generally regarded as the most civilized countries of Europe. Events had passed in rapid succession. It was but a few months ago that he himself saw the Regency of Tunis a prosperous and a contented country, under the mild sway of its own Ruler, where natives and foreigners traded together in friendly intercourse, with agriculture and commerce flourishing. But a change had passed over it. A foreigner now ruled; the Sovereign was all but a prisoner; his officers had been dismissed; and the Political Agents of Foreign Powers accredited to him could no longer approach him, save only through the Minister of the Power which had laid violent hands upon his country. He desired to abstain from the use of any expressions which might be construed in an offensive manner; but he did think that the time was come when secrecy and dark and ambiguous forms of speech should cease to be used, and that the truth of all that had taken place should no longer be concealed. The subject was not a new one. As long ago as July, 1878, the Under Secretary of State for Foreign Affairs (Mr. Bourke) was asked in the other House of Parliament—

> "To explain whether there are any grounds for the rumours about changes in the Mahommedan territories of Tunis and Tripoli as respects their transfer to Italy and France?"—[3 *Hansard*, ccxli. 1580.]

No information was, however, given. But it would be noticed that the question of Tripoli as well as Tunis was at that time also supposed to be agitated; and if any of their Lordships should be disposed to regard what had happened at Tunis as a solitary instance of aggressive action, he would ask whether it was likely to continue to be so? There was another country not very different in geographical position, and not very different in its political status, which might be found before long to be inconveniently close to Tunis, as Tunis was to Algeria. He alluded to Tripoli; and beyond Tripoli there was a country with which the interests of England were closely allied. He meant Egypt; and if at the present time not even a protest was made against the aggressive action of France, we might be involved not long hence in graver and more serious complications. He could assure their Lordships that he was not speaking without some knowledge of what had passed and of what was now going on. If he asked for information from the noble Earl opposite, possibly he might be told either that there was none, or that it would be given at a future day, or that it was inconvenient that any should be given at all, or that he was in possession of all that the noble Earl knew, as it came from an undoubted source—and so it did, and he did not hesitate to say that he relied upon it more than upon what had been given from other sources; and therefore it was that he felt he might ask their Lordships' serious attention to the present position in which this country was placed with regard to its political and commercial relations with Tunis. Now, in the year 1875, a Convention was concluded between England and Tunis, by which this country was treated as "the most favoured nation," and great advantages were given, both politically and commercially. By this Treaty Her Majesty's Political Agent and Consul General was accredited to the Bey with "every privilege and immunity which is paid or allowed to the representative of any other nation whatsoever," and also the most favourable terms were made with reference to the import of British goods and manufactures. An *ad valorem* duty of 8 per cent was fixed as the maximum, or a specific duty equivalent thereto. But what was the present state of affairs? They were informed that Her Majesty's Political Agent and Consul General accredited to the Bey had been removed from the position which he occupied so far as that he could now no longer communicate with the Bey or his Government except through the medium of the French Minister. This was the first result of the Treaty which had been forced upon the Bey. The consequences of this were manifest. All transactions, political or commercial, between this country and Tunis must be carried on through the Minister of a Foreign Power, who might or might not be friendly to us. If Treaties were to be made or revised—and the Treaty of 1875 might be subject to revision in 1882—all must pass through this channel, and England, which had been treated "as the most favoured nation," and had Treaties of great commercial value with Tunis, might be obliged to make very different terms when commercial questions were brought under French supervision. Now, in the despatch of the noble Earl opposite, dated May 20, 1881, great stress was laid upon the assurance given by the French Government "that all existing connections between Tunis and Foreign Powers will be maintained and respected;" but he would really ask his noble Friend whether it was possible, even with the greatest diplomatic ingenuity, to say that the Treaty was maintained and respected when the Agent and Consul General of Her Majesty was excluded from access to the Bey or his Government, except through the medium of the French Minister? This was a question of grave importance, and one which excited considerable interest throughout the country, especially considering how important it was to us to maintain our prestige and supremacy in the Mediterranean. He would, therefore, put it deliberately and seriously to Her Majesty's Government whether these things were to be passed over in silence, as though they were matters of no concern to the country, as if outside their Lordships' House no notice was taken of them? He could not for a moment suppose that the manufacturing and commercial interest of this country would rest satisfied with this transfer of English influence to France. He believed if this Treaty were acknowledged and no protest were made against it, that perplexing and complicated questions would arise and the political and commercial position of this country would be seriously affected by it. But, apart from this, which was, it appeared to him, a most important aspect of it, he would ask was it consistent with the honour and dignity of this country that Her Majesty's Political Agent and Consul General accredited to the Bey should no longer be able to approach him, and that he should be informed by a Circular from the Minister of a Foreign Power that he could only do so through him? Such, as it seemed, was the present position of diplomatic relations between this country and Tunis; and it must not be forgotten that there were not less than 10,000 British subjects in the Regency of Tunis, who, if this Treaty, which had been forced from the Bey, were acknowledged by Her Majesty's Government, would be handed over to a Foreign Power and their interests placed under its protection. These were some of the reasons why he wished to ask the noble Earl opposite what were the present diplomatic relations between this country and Tunis, in what position Her Majesty's Political Agent was placed, and how he was to discharge the duties with which he had been intrusted, if all communications between the Sovereign to whom he was accredited and the Government of this country were to pass through the hands of the Minister of a Foreign Power? He would further observe that by the Convention of 1875 the rights of British subjects were secured, Consular Courts were established for the adjudication of all cases between British subjects, so also were their rights secured in cases where British and Tunisian or foreign interests were concerned. He might refer to the Enfida case still pending, of which they had heard so much. But how would it now be? All would be subjected to the authority and will of a Foreign Power over which we had no control. He could hardly conceive a position more humiliating or more injurious to British interests. And now he must refer for one moment to the recent protest of the Porte, which appeared in *The Times* of the 16th of June, of which he concluded the noble Earl opposite had received an official copy. It would seem that already French interference had reached Tripoli. We were informed that the French Consul addressed a letter to the Governor General of Tripoli stating that, in pursuance of the recent Treaty between France and Tunis—

> "He begged to submit to him a list of Tunisians resident in Tripoli and requested that those persons be henceforth considered as French protected subjects."

No wonder some alarm was felt in various quarters as to what might be the next step, what further violations of International Law might take place, or what further aggressions might be made. Their Lordships well knew that England was not the only country watching passing events on the Northern shores of Africa. Italy was not a silent spectator, for Italy was deeply interested in them. He firmly believed that if the voice of England had earlier been raised—and he trusted that it was not yet too late—this unhappy complication, so damaging to English interests and dangerous to the peace of Europe, would not have occurred.

Moved, "That an humble Address be presented to Her Majesty for copy of M. Roustan's Circular promulgating a decree of His Highness the Bey of Tunis constituting him, as French Minister resident, the sole official intermediary between all foreign representatives and the Government of Tunis; also copy of the instructions issued to the British Political Agent at Tunis on the subject, and for other papers and correspondence relative to the treaty recently concluded between France and Tunis."—(*The Earl De La Warr.*)

THE EARL OF DUNRAVEN said, he thought their Lordships were indebted to the noble Earl for having brought this question forward, as the matter involved was one of very great importance in many of its aspects, and one, morever, concerning which their Lordships' House and the country had a right to ask for information at the hands of Her Majesty's Government which would have a tendency to smooth out the tangled skein of difficulty in which this country was placed, not only in reference to the Bey of Tunis, but to the Ottoman Porte and to France. The French began by saying that their only object in landing a force on Tunisian territory was to punish some unruly Kroumirs, and to see that French interests were better attended. The result, however, was that they had actually annexed the country. He did not wish to impute any bad faith on the part of France, knowing how difficult it was at the commencement to estimate how far matters would go; but he thought they had grounds sufficient to justify them in asking the Government to give them some information as to what it was thought affairs would lead to, and how far English interests were likely to be involved. He could not but think that the Treaty which had been signed between the Bey of Tunis and the French Government had altered the relations of Her Majesty's Government to that of Tunis, in that, as was well known, it abrogated the right which the British Consul or Political Agent in Tunis had always hitherto enjoyed of free access to the person of the Bey in cases where the interests of British subjects were affected. This right had been taken away by a Treaty which the Bey said he was compelled by force to sign. On this point he would venture to quote the opinion of Wheaton, who, in his work on International Law, wrote as follows:—

> "The usage of all times, and especially the more recent times, authorizes public Ministers of every class to confer on all suitable occasions with the Sovereigns at whose Courts they are accredited on the political relations between the two States."

In a subsequent portion of his work Wheaton used these words—

> "Consuls and other commercial agents not being accredited to the Sovereign or Minister of Foreign Affairs are not in general considered as public Ministers, but the Consuls maintained by the Christian Powers of Europe and America near the Barbary States are accredited and treated as public Ministers."

He had not the slightest doubt that their Representative in Tunis enjoyed the privilege of access to the person of the Bey, and that such privilege had been taken away from him by the French Political Resident after signing the Treaty of the 12th of May, which Treaty their Lordships were aware the Bey signed under protest, stating that he was compelled to sign by force. It had been stated that their Treaties were to be maintained; but it was impossible that they could be maintained, seeing that they must, of necessity, be broken in the most important part he had mentioned—that their Minister should have access to the Bey, and be able to appeal directly to him in cases affecting the interests of British subjects. As far as the actual position of affairs in Tunis was concerned, it seemed to him to resemble, for all practical purposes, an annexation by France, though it was described as being simply a temporary occupation. How far their duty, as one of the Signatories of the Treaty of Paris, was affected by the present situation in Tunis he hoped they should hear from the noble Earl the Secretary of State for Foreign Affairs. The question affected them in three ways. In the first place, it affected their duty as a Signatory of these Treaties; secondly, as to how far the state of things in Tunis might affect their commercial and Imperial interests; and, also, they had to look at it to consider the manner in which the state of things existing in Tunis had been brought about, and whether it had been conducted with proper deference to the honour and dignity of this country. Tunis, at all events, had always been considered as forming a part of the Ottoman Empire by this country, and, he believed, was so considered by France up to 1824; it was so recognized by Russia, seeing she withdrew her Representative upon the war with Turkey; and it was so recognized by Germany. It was stated in the most straightforward and clear language the other day by the noble Earl the Secretary of State for Foreign Affairs that England still looked upon Tunis as forming part of the Ottoman Empire, and that he did not feel it right to interfere in the disposition of that country. Well, he (the Earl of Dunraven) would like to know whether they intended not only to interfere with the partition of the Ottoman Empire, but whether they, as Signatories of the Treaties of Paris and Berlin, were bound to interfere, if the integrity of the Ottoman Empire and the rights of the Sultan were interfered with? That was a question which it would be interesting to their Lordships to have an answer to, if Her Majesty's Government could give one. Even if the occupation of Tunis was not an infringement of the rights of the Sultan, or an invasion of his Empire, there could be no question of one thing—that France had taken over the management of the foreign affairs; in other words, France adopted the position of a Suzerain over Tunis. In the discussion on the Transvaal some time ago, the noble Earl the Secretary of State for the Colonies (the Earl of Kimberley) stated that England's having control over the Transvaal Boers made her, in fact, a Suzerain, and that suzerainty exactly described the position of England in having control over the foreign affairs of the Transvaal Boers; and the noble Earl went on to state that their having control over 40,000 people without any access to the sea was a matter of very considerable importance. If it was, how much more important must be their relations with 2,000,000 of people, forming a portion of the Great Ottoman Empire, having a sea-board of 500 miles on the Mediterranean, and commanding a great portion of that sea? It seemed to him that whether the Dominions of the Sultan were infringed upon or not, France, in Tunis, had taken upon herself the suzerainty in that country which they had hitherto allowed to exist in the Ottoman Porte. As to the effect on their power he did not wish to say much. With respect to their immediate interests, England had a considerable amount of trade with Tunis, and through Tunis with the interior of Africa, as to which trade very favourable arrangements had been entered into with Tunis. In these days, when already certain ports were closed against them, they ought to be thankful for small mercies. Their goods were only charged 8 per cent *ad valorem* duty and they had had considerable trade. But if the entry into the interior was blocked to them through Tunis, there would remain only Morocco; and if Morocco were blocked to them, the interior of Africa would be entirely closed to their trade. That was a matter which was rather serious, because they must not forget that their only trade was with savages and semi-savages, and their Colonies and Dependencies. If they were shut out of Tunis they could not deal with the semi-savages of the interior. Then, again, the whole of their Indian, Australian, New Zealand, and China trade passed through the Malta Channel, and he need not point out the change that would arise if that channel were at all threatened. That, indeed, was the most important part of the export trade of this country, and anything which could, in the slightest degree, endanger that trade was a subject which deserved the most serious consideration by Her Majesty's Government. Malta was supplied with meat and grain from Tunis, and a great deal of the coasting trade was carried on by Maltese vessels. The effect, therefore, upon the British Empire of the overthrow of the balance of power in the Mediterranean which would be caused by the preponderance of one Power on the littoral of the Mediterranean could scarcely be overrated, as it might render necessary the consideration on the part of this country of how the balance of power in that sea could be re-adjusted. But the question as to their trade was that which was of more immediate importance, because, as he had said, the greater bulk of their export trade must pass through the Malta Channel, and that trade could be very much threatened and placed in a difficult and precarious position by any Power having control of or the capability of endangering the safety of that channel. But what he thought was more of present moment than anything else, was the most extraordinary manner in which recent affairs had been conducted in Tunis. The danger to England of French preponderance in the Mediterranean was one which could not now be considered very pressing. France was, and had for a long time been, a good friend and Ally of this country; and, that being so, he confessed he was more than astonished at the extraordinary way in which she had acted in Tunis as regarded this country. Their Lordships were aware that an English vessel had been stopped on the high seas and searched by a French vessel, and that another English vessel had been taken into port and searched. That was an action of which, as far as he knew, between two friendly Powers they had no other instance. At all events, it was a most extraordinary circumstance, even for a belligerent, and one very hard to find a parallel for. The French Government stated very properly that the commanders of their vessels had exceeded their orders; and, certainly, they had exceeded them in a most extraordinary manner. However, this matter had been apologized for, and nothing more was to be said about it; but he should have thought the French officials would afterwards have been more careful not to offend the dignity of this country, or hurt the feelings of Englishmen again. He saw, however, in the papers that Englishmen had been recently more or less grievously insulted in Tunis. One of Her Majesty's Consuls was accused of intriguing against France, another was accused of murder, and a third of selling powder to the Arabs, and so forth; and, as far as he knew, no explanation or apology had been offered in respect of these matters. But the most remarkable matter of all was the extraordinary attitude which our Political Agent had been forced to assume, and the novel manner in which the intelligence had been communicated to him and to the other Foreign Representatives resident in Tunis. This country had had Treaties with Tunis for 200 or 300 years, under which the privilege of a direct appeal was allowed to our Political Agent in respect of the lives and properties of the 9,000 or 10,000 British subjects resident in Tunis. What had recently occurred, however, placed the Sovereign of this country in a very novel position. Having concluded a Treaty giving the privilege to our Political Agent to which he had referred, that privilege had been set aside and the Treaty altered, not by the Bey, or by the Sultan, but by the Representative of another foreign country. That was a novel position, he ventured to say, for a Representative of England to find himself placed in. He thought the situation of British subjects, who found themselves in Tunis, was also a novel and peculiar one. Instead of being entitled to appeal through our Political Agent directly to the Bey to demand justice, a British subject in Tunis would now be forced to sue for justice to the Representative of a Foreign Power. That was a state of things which he could only describe as being insupportable; and he trusted they would have some information from Her Majesty's Government which would explain these matters, and would tend to allay the uneasiness which must be felt, not only by that House and in Parliament, but throughout the country. These matters did not improve by keeping. Such a state of things was a novel sensation for the people of this country, and the sooner such uneasiness in their minds was removed the better it would be. He trusted Her Majesty's Government would find it convenient to give information on these subjects. He should be the last to ask Her Majesty's Government for information; but these matters were of a serious and pressing nature, and if Her Majesty's Government could give them information that would set their minds at rest, he thought it would be to the interest of Parliament and the country.

Lord LAMINGTON said, that he concurred in the opinions expressed by the noble Earl who had introduced the subject. He could not but think, however, that at the outset the noble Earl the Secretary of State for Foreign Affairs had treated the action taken by the French Government in a proper spirit. The explanation given in the earlier stages of this matter to the effect that the French Government had informed Lord Lyons that there was no intention of annexation was satisfactory enough; but the subsequent conduct of France through its Agents had been far from satisfactory. The question now stood in a very different position to what it formerly did. There were most important interests on the part of this country to be conserved, compared with which the question of annexation dwindled into insignificance. The result of the unhappy policy of the French Government was seen in the recent events which had happened at Marseilles. He must express his approval of the course taken by the noble Earl the Secretary for Foreign Affairs. He trusted, however, that the Government would display firmness as well as prudence in their future policy on the subject, and that they would be able to place on the Table Papers which would be of a satisfactory character.

LORD STANLEY OF ALDERLEY said, that the attitude now taken by Her Majesty's Government was inconsistent, since the country had been told that British interests and Treaty rights should be maintained, and it had also been told that the British Political Agent must go to M. Roustan on behalf of British subjects; yet it was but a few years ago that Her Majesty's Government had waged war against China for the sake of obtaining access to the Emperor for Her Majesty's Representative. It was much less necessary to obtain access to the Emperor, instead of to the Chinese Ministers, than it was to get access to the Bey himself, instead of to the representative of interests which were frequently opposed to those of British subjects. Another point was that it was often stated that the hands of Her Majesty's Government were tied by what had been unadvisedly said by a Member of a former Government; but that must be left out of account, since the affair had taken a new departure from the declarations made by M. Barthélemy St. Hilaire to Her Majesty's Ambassador at Paris, and it was no offence to France to hold the French Government to those declarations.

THE EARL OF CAMPERDOWN said, that it was quite clear, whether the word "annexation" was used or not, that France was now in possession of Tunis. It was equally clear that the Bey was in subjection to a Power with which a few months ago he was on equal terms. It was not, however, equally clear what had been done by England from the first. They had all read with very great interest the letters which detailed the conversations which had been alluded to elsewhere by the noble Marquess opposite; but what he should like to know was what was the position which England took up from the first with regard to this question at the time of those conversations? Everything that England had done since that time had been explained to Parliament. But the information on the attitude of England in the first instance was still very insufficient, and it would be a great advantage if some further information were given on that point.

EARL GRANVILLE: My Lords, I have no doubt that my first few sentences will be satisfactory to your Lordships, whatever may be the case with the others. I have very great pleasure in agreeing to the Motion of the noble Earl opposite, and, in point of fact, had he not made the Motion, it was the intention of Her Majesty's Government to have presented the Papers for which he has asked. I have no doubt that they will give the best explanation of the question as to the relations between this country and the Regency of Tunis. Having said this, I do not quarrel in the slightest degree with the noble Earl, either for his tone or for what he has said. He has been perfectly consistent throughout. He has been perfectly consistent in utterly condemning Her Majesty's Government for not having opposed—I do not know to what extent he would have carried the opposition — that great increase of political supremacy which there is no doubt France has now established in Tunis. I twitted him the other day for standing alone in this opinion in this House. I can no longer use that taunt, because he has now been more or less supported by individual Members of this House. What I wish to point out is this—that until I hear a contrary opinion more generally expressed, I am of opinion that the great majority of this House do not think that we were wrong in the course we have taken, and that they really agree with what the noble Marquess opposite stated, who thought that under all the circumstances of the case we had taken the right course. But, be this as it may, that course has been taken, and concurrently we have received the strictest engagements, and recorded them as such, from the French Government, that our Treaty rights, as far as commerce and as far as British subjects are concerned, will not be invaded. It appears to me absolutely unavoidable that in a novel and unusual state of things incidents should have arisen which will require careful examination from Her Majesty's Government. They will take the best advice they can about these points, and they must certainly not refrain from having, not only very friendly, but very frank explanations from the French Government upon these points. On the other hand, I cannot conceive, not having opposed the substantial point—namely, the political supremacy—that there is any advantage in getting up petty squabbles and petty cases of irritation with the French nation, except where our Treaty engagements are in any way endangered. My noble Friend (the Earl of Dunraven) has made a long speech, and has gone over a great many topics. He stated that he did not wish to embarrass the Government, and I completely give him credit for that assertion. The fact is, a speech of that sort does not embarrass the Government; but I am not sure that it was a very useful speech to make, scraping together everything he could gather, both from official Papers and newspapers, calculated to create an irritated feeling in this country against that great country with which, whatever may have happened lately, it is our own interest and wish to remain on the most friendly terms. The noble Earl began about the integrity of the Ottoman Empire and the Treaty of 1856. We have always held that Tunis was part of the Ottoman Empire; but that opinion has not been universal. The French Government have consistently denied it since the taking of Algiers; and the Italians, 10 years ago, utterly denied that Tunis was in the Ottoman Empire. I believe that Germany and Austria theoretically consider it is; but we have reason to know that they would not have given us the slightest encouragement if we had come forward to support that political doctrine. This is a great subject for declamation; but for practical statesmanship it does not very much affect the question. I think the noble Lord took rather an unworthy course in bringing forward that incident of the searching of the two vessels. It was contrary to law, and the French had no right to do so. But what happened? The commanding officer immediately gave all the redress in his power, and assured our naval officer that the thing was absolutely contrary to the instructions he had given. The captain of the vessel was severely reprimanded, and both himself and the vessel were sent away from the station. Really, to bring these questions forward in order to embitter this sort of discussion was not, I think, quite worthy of the great ability of my noble Friend. He asked another question. He spoke very strongly on the right of access to the Bey. I believe we have no right by Treaty to get access to the Bey, and I am not aware that any right of access that exists is taken away. In any case, I feel that in present circumstances the right of access to the Bey is not one of paramount political importance. These are points to which Her Majesty's Government are paying great attention. Several of these questions have arisen; they will arise, and it is our duty to examine them most carefully and bring them before the attention of the French Government. But I do say that, having conceded the great point of the political influence now exercised by France in Tunis, it would be quite unbecoming in us to raise any unnecessary questions merely to embitter feelings between the two countries.

THE MARQUESS OF SALISBURY: My Lords, my noble Friend on previous occasions brought this matter, as he was fully entitled to do, under the attention of the House, intending to deal mainly with the question of the acquisition of great political influence by France in Tunis. Upon that point I was not able entirely to agree with him. My opinions are well known to the House, because they are the opinions of the late Government, and they appear in despatches which are now on the Table of the House. They are opinions which have been fully stated, and I think I have nothing to add to them. In fact, as far as I am aware, no other communications proceeded from this Government to that of France upon the subject; and from those despatches your Lordships will have gathered that we held the view that the political influence of France in Tunis was not a matter of which this country had reason to be jealous—that we had no objection to its extension, and, as a matter of fact, we were willing to have given to the phrase a very liberal interpretation. I expressed my opinion, however, on that occasion, that France had gone a little further—or some considerable distance further—than the liberal interpretation of the phrase "extension of political influence" would permit; but, nevertheless, Her Majesty's Government had thought fit to acquiesce in the conduct that France pursued on that occasion. I saw nothing in the interests which this country has in Tunis, or interests which it possesses generally, which should make it wise in us to compromise our relations with an old and trusted Ally; and, therefore, I was not prepared, as the noble Earl has reminded the House to-night, to challenge the conduct of Her Majesty's Government. In fact, I am quite prepared to go with the noble Lord who spoke behind me, and who has left the House (Lord Lamington), and say that the despatches of the noble Earl opposite appear to be worthy of approval as far as that point has reached. But I confess I agree—though I feel it is a subject upon which one must speak with much reserve and care—with the noble Peers who think that the matter has now entered upon a somewhat new phase, and that the considerations which guided us before do not wholly continue to apply. I am not alluding in this respect to the matter of Tripoli, to which my noble Friend referred. The case of Tripoli and Tunis are entirely different. As to Tunis, we have held that it was a part of the Ottoman Empire; but for a long time France never agreed to that contention. But there is no doubt whatever that Tripoli belongs to the Ottoman Empire, and is, practically, governed by the Ottoman Power; and, therefore, no interference, no dealings with the rights of territory of Tripoli, could take place except by way of negotiations with the Porte, and subject to the sanction of the Porte. And I imagine that the Signatories of the Treaties of Berlin and Paris would hold themselves bound to observe such a condition. I do not think that the question of Tripoli is one which is within the range of practical politics at present; but it is, in this respect, that the question of Tunis has assumed a new shape—that, whereas before, we were only dealing with the relations between Tunis and France, we are now dealing, to some considerable extent, with the relations between England and English subjects and the Government of Tunis. That is a matter which is, undoubtedly, very different in its nature, and may become a matter of very considerable importance. I do not, however, go so far as to say that it has become a matter of considerable importance now. On that point I would rather wait for information; but I confess I cannot help expressing my concurrence with the noble Earl who spoke on the Back Benches that the proceedings of France in this matter are not wholly intelligible. I should have thought, in the peculiar circumstances of the case, it would have been the object of the French Government to adopt a conciliatory attitude to other nations having relations with the Tunisian Government. I confess neither the news received this morning, nor the action of the French Government, or rather the Circular of M. Roustan, makes me absolutely confident that that could have been the intention of the French Government—at least, that it could have been the intention of the subordinates of the French Government. I cannot refrain from saying that there has been on the part of these subordinates an unnecessary disregard of the feelings and interests of other Powers. In saying so, I am not speaking principally of Great Britain. The noble Earl opposite has, no doubt, the best guidance as to the attitude taken up by M. Roustan, and whether there has been any infraction of International Law. I suppose no one can take exception as a matter of international right to the appointment of M. Roustan as Foreign Secretary by the Bey. I imagine it would be quite competent for Her Majesty, as a matter of International Law, to appoint M. Challemel-Lacour her Foreign Secretary if she pleased; but when we come to the statement that the access to the Bey of Tunis is barred by the recent Circular of M. Roustan, I think a grave matter for reflection arises, and I shall look with some curiosity to see in what manner Her Majesty's Government will treat that claim. I earnestly hope, and

I am inclined to believe, that it will be found that claim, precisely as stated, has not really been made, and that the undoubted right, not by Treaty, but by the Comity of Nations, every Power possesses of sending an Ambassador if it chooses to the Ruler of another nation has not been in any way interfered with. If it is the case, of course it explains the language held by the noble Earl, and the attitude which he is inclined to take up in respect to this question. The matter is, undoubtedly, one of considerable difficulty. There are many considerations arising bearing upon it not touching merely English interests and politics. In this matter I feel it is our wisest plan, so long as we have no grounds that could drive us to abandon such a position, to leave these transactions and the responsibility to Her Majesty's Government, reserving to ourselves in the ultimate issue the right to express the opinions which we may entertain. But there is some danger that if we discuss the question too early, or at too great length, we may raise questions which would rouse feelings between the two countries, and also might tend to envenom the feelings which have arisen between France and one of her Neighbours. On these grounds—although the noble Earl is well aware that, if it was a question of maintaining the rights of Englishmen, he could command the support, not only of his own Friends, but of Englishmen of all Parties whatever—on all these grounds, I think we should be adopting the wisest course if we did not pursue this debate at any very great length.

EARL DE LA WARR asked, whether, there being no access to the Bey, there was an access to the Government of Tunis?

EARL GRANVILLE said, that the noble Marquess had explained very clearly how the matter stood, and he himself had stated that they had no Treaty right of personal access to the Bey; but that what had been the usual course would not be interfered with.

EARL DE LA WARR asked, whether our Diplomatic Agent had personal access to the Government of Tunis?

EARL GRANVILLE said, if the noble Earl would explain what he meant by the Government, he would answer him.

Motion *agreed to.*

LANDLORD AND TENANT (IRELAND).

MOTION FOR A PAPER.

THE EARL OF LIMERICK, in moving for a

> "Copy of a letter, dated 29th October 1880, and written by the Earl of Limerick to the Secretary to the Landlord and Tenant (Ireland) Acts Inquiry Commission,"

said, he should not have troubled their Lordships with the Motion only that he had been represented as expressing views upon the Land Question which were entirely inconsistent with those which he held and which he had avowed, or intended to avow, before the Land Commissioners. He had the honour of being examined before the Land Commission on the 28th of October last; but the evidence which he gave was rather of a conversational character. Owing to that circumstance, he thought afterwards that he might possibly have failed adequately to express his views, and, therefore, on the very next day he wrote a letter to the Secretary of the Commission, giving a summary of the opinions he entertained, and which he had intended to express in his evidence of the previous day. He regretted very much that that letter was not attached to his evidence, because he did not receive any proof of his evidence; and the first he saw of it was when he saw it in print in the Blue Book which was laid on the Table of their Lordships' House. Last week he saw in that evidence that he was made, on a very important point, to express views which he did not entertain. In the Blue Book he was made to say, in answer to the question, "Then practically you have fixity of tenure?"—"Yes; but whether it works satisfactorily or not is another thing." He did not wish to raise the question; but this was a very important matter, and precisely the opposite views to those which he intended to express and to those which were contained in the letter he moved for were printed in that answer. He therefore begged to move for the letter in question; and could only regret that it had not been printed with the evidence, especially as it must have been observed that there were discrepancies between the words which appeared to have been taken down and what he stated in the letter.

Motion *agreed to.*

Ordered to be laid before the House.

STATIONERY OFFICE (CONTROLLER'S REPORT).

Message from the Commons that they have appointed a Select Committee of five members to join with the Select Committee appointed by this House "to consider the first Report of the Controller of Her Majesty's Stationery Office."

STOLEN GOODS BILL [H.L.]

The Lords following were named of the Select Committee:

Ld. Chancellor.	V. Sherbrooke.
E. Waldegrave.	L. Aberdare.
E. Morley.	L. Winmarleigh.
E. Beauchamp.	L. Ramsay.
E. Cairns.	

The Committee to meet on *Friday* next at Four o'clock, and to appoint their own Chairman.

House adjourned at half past Seven o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, 21*st June*, 1881.

The House met at Two of the clock.

MINUTES.] — SELECT COMMITTEE — *Report* — Herring Brand (Scotland) [No. 293].

PUBLIC BILLS—*Committee*—Land Law (Ireland) [135]—R.P.; Coroners (Ireland) (*re-comm.*) * [187]—R.P.

Report—Tramways Orders Confirmation (No. 1)* [167]; Tramways Orders Confirmation (No. 2)* [168].

Third Reading—Local Government Provisional Orders (Acton, &c.)* [159]; Pier and Harbour Orders Confirmation * [161]; Summary Jurisdiction (Process) * [179], and *passed.*

QUESTIONS.

PARLIAMENT—ORDER—THE HALF-PAST TWELVE O'CLOCK RULE.

LORD RANDOLPH CHURCHILL said, he desired to put a Question to the Speaker on a point of Order. The hon. Member for Glasgow (Mr. Anderson) had a Motion down for the Evening Sitting, the second part of which was intended to draw attention to the operation of the Half-past Twelve o'clock Rule. The adjourned debate on the Motion of the hon. Member for Gloucester (Mr. Monk) on the same subject was fixed for Friday night; and he wished to know whether the hon. Member for Glasgow would be in Order in anticipating in any way that debate?

MR. SPEAKER: I have not had an opportunity of comparing the two Motions to which the noble Lord refers; but my impression is that there is a considerable difference between them. The question of Order will more properly arise when the Motion of the hon. Member for Glasgow is brought forward; and, meanwhile, I will inform myself upon it.

AGRICULTURAL STATISTICS.

MR. HICKS asked the President of the Board of Trade, Whether he can, before the end of the Session, lay upon the Table of this House a Statement of the number of acres thrown out of cultivation in each of the several counties in England and Wales?

MR. CHAMBERLAIN, in reply, said, that some time ago, in answer to a Question from the hon. Member for Forfarshire (Mr. J. W. Barclay), he promised that he would lay upon the Table, simultaneously with the Agricultural Returns, a Statement as to Unoccupied Farms and Holdings. He fancied this would give the hon. Member all the information he desired; and he hoped the Returns would be in the hands of hon. Members certainly not later than the beginning of September

EVICTIONS (IRELAND)—CARROWAN, BOHOLA, CO. MAYO.

MR. O'CONNOR POWER (for Mr. PARNELL) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been drawn to the eviction of Thomas Leonard, of Carrowan, Bohola, county Mayo, who was evicted, with five in family, by Mr. Malachy Tushy, of Ballintubber, Castlebar, county Mayo, on May 13th, who, with his family, have been sleeping in an outhouse where the rain comes in, as the police patrol the grounds at night to prevent them from sleeping in the house, and they are in consequence living in the yard attached to it; and, whether the police have a right to move persons by force from an empty house of which the door is left open?

MR. W. E. FORSTER, in reply, said, that the Constabulary authorities had informed him that Thomas Leonard, with his wife and three children, were evicted from his holding on the 13th of May for non-payment of rent. He was a sub-tenant, and was evicted at the same time as the tenant. He slept in the house of his brother-in-law. His family slept in the house from which they were evicted, and none of them slept in an outhouse. In reference to the question of the police patrolling the grounds at night to prevent them sleeping in the house, they did not patrol on that account, but on this account. The night after the eviction, 13 head of cattle, the property of the landlord, were driven off the farm, and were recovered with great difficulty. On the same night his herd's house was attacked by a number of armed men, who took the herd out of bed, brought him outside, and cautioned him not to look after anything belonging to the tyrant, or they would come back and finish him.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARREST OF MR. H. O'MAHONY.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. Henry O'Mahony, Poor Law Guardian, was on the 4th instant rescued from the police in the village of Ballydehob, after being arrested on "reasonable suspicion," upon a warrant ordering him to be lodged in Limerick Gaol; whether Mr. O'Mahony informed the police that he would proceed of his own accord to Limerick Gaol; whether he at once travelled to Limerick unescorted by the police, and delivered himself up to the authorities in Limerick; whether Mr. O'Mahony has not now applied to Sub-Inspector McDonnell for the expenses of his journey from Ballydehob to Limerick; and, whether the Government have any objection to refund him what he might reasonably be supposed to be out of pocket?

Mr. W. E. FORSTER, in reply, said, that the facts were correctly stated by the hon. Member. The question of expenses was under consideration. He (Mr. W. E. Forster) considered Mr. O'Mahony's actual travelling expenses might be refunded, and he had given the necessary directions for that purpose.

IRELAND—MR. EAGER, GOVERNOR OF LIMERICK GAOL.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether Mr. Eager, the present Governor of Limerick Gaol, is the same person as the Mr. Eager who was deprived of his position as Governor or Steward, as they were then called, of Cork Gaol, and afterwards sent in a subordinate capacity to the Phillipstown Prison in consequence of a slanderous charge made by him against the then matron of Cork Gaol; and, whether there is any objection to the production of the Report of Captain Whitty, then Inspector of Prisons, who held the investigation in 1857 on the subject?

Mr. W. E. FORSTER, in reply, said, the Mr. Eager referred to was the same person. He was not at any time Governor of the Cork Prison. In 1855 he was promoted to the position of clerk, and afterwards to that of steward of the temporary female convict prison at Cork. In 1857 he brought charges against the superintendent and matron of the prison, but they were not proved. He was consequently censured by the Governor, and ordered to return to the position of clerk in Mountjoy Prison. He was subsequently appointed Deputy Governor of Phillipstown Prison, and in 1862 Governor of Limerick Prison. The Report of Captain Whitty could not be produced, as it was of a confidential nature. Indeed, in any circumstances it would require strong reasons to justify the production of a Report of that character, made 24 years ago.

Mr. HEALY further asked, whether Mr. Eager, when in another position, had not made an attack on the warders?

Mr. W. E. FORSTER asked the hon. Member to give him Notice of the Question.

SOUTH KENSINGTON MUSEUM—THE ZOLLVEREIN COLLECTION OF MINERALS, &c.

Mr. HICKS asked the Vice President of the Council, with reference to the Correspondence between Dr. Percy and Captain Donnelly of 23rd March 1863, and the Letter from the German Director, Dr. Wedding, to Dr. Percy, dated 25th November 1879, Whether the Zollverein collection of minerals and mining products was given and accepted on the distinct condition that it was to be kept intact as a whole at South Kensington for public exhibition?

MR. MUNDELLA: This Question relates to the gift of a Geological Collection, 18 years ago, to the Science and Art Department by the Zollverein Commission, which was given soon after to King's College Museum, and other similar Institutions. There is no official record of the correspondence referred to; but, from an extract furnished by Dr. Percy, it apparently consists of one, more or less private, letter said to have been written by him in 1863, stating his version of what occurred at an interview between Dr. Wedding and Mr. Cole, then Director of the South Kensington Museum. Although, no doubt, Dr. Wedding seems to have been under the impression that the Collection in question would be exhibited at South Kensington, there is no condition or promise to that effect in the official correspondence; and, as far as I am aware, no objection was taken at any time by the Zollverein Commissioners to the arrangements made in 1863 with regard to this Collection.

ACCOMMODATION FOR REPORTERS.

MR. O'SHEA asked the First Commissioner of Works, Whether he has been able to carry out his intentions with regard to the increase and improvement of the accommodation provided for the reporters in this House?

MR. SHAW LEFEVRE: The resignation of Colonel Forester has given me an opportunity of giving the increased accommodation for the reporters which the hon. Member has so much pressed upon me. It is not considered necessary that the successor of Colonel Forester should have an official residence under the roof of this House; and, accordingly, with the approval of the Speaker, I have appropriated the two top stories of the residence lately occupied by Colonel Forester for the increased accommodation of the reporters; and I hope it will give all the accommodation required by them. Additional accommodation has been very much wanted, and is very necessary. The main portion of the residence—the lower story—will be appropriated to additional private rooms for Ministers; and I have also made arrangements that will give better accommodation to the right hon. Gentleman the Leader of the Opposition.

MR. ONSLOW wished to ask the right hon. Gentleman what compensation he proposed to give to the Assistant Serjeant-at-Arms now that his rooms were taken away? He believed that the rooms given to the late Assistant Serjeant-at-Arms were irrespective of his salary; and it appeared to him that the Assistant Serjeant-at-Arms who had been recently appointed—[*Murmurs*]——

MR. SPEAKER, interposing, said, the hon. Member could not go into a matter of that kind.

MR. ONSLOW said, he would simply ask the right hon. Gentleman whether he intended to give the present Assistant Serjeant-at-Arms any compensation?

MR. SHAW LEFEVRE: I believe the question of the salary of the Assistant Serjeant-at-Arms is at present under the consideration of the Treasury.

SIR ALEXANDER GORDON asked whether the right hon. Gentleman would take this opportunity of giving the reporters another smoking-room instead of the little room downstairs? That room might be converted into a covered way for Members going to the railway station.

MR. SHAW LEFEVRE: I propose to take from the reporters the room to which the hon. and gallant Member refers, but they will have ample accommodation for smoking in another part of the building.

FRANCE AND TUNIS—PRIVILGES AND IMMUNITIES OF DIPLOMATIC AGENTS.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, Whether, by Article II. of the General Convention between the Governments of Great Britain and Tunis, signed on the 19th of July 1875, there occurs the following stipulation:—

> "Every mark of honour and respect shall at all times be paid, and every privilege and immunity allowed, to Her Majesty's Agent and Consul General accredited to His Highness the Bey which is paid or allowed to the Representative of any other Nation whotsoever;"

and, whether, under this stipulation, Her Majesty's Agent and Consul General at Tunis is entitled to and enjoys all the marks of honour and respect and every privilege and immunity paid or allowed to the Representative of France in that Regency?

Sir CHARLES W. DILKE: Yes; I answer the Question in the affirmative.

Lord RANDOLPH CHURCHILL: I wish to ask the hon. Baronet, whether he wishes the House to understand that at the present moment Her Majesty's Agent and Consul General at Tunis has the same right of access to the Bey as M. Roustan?

Sir CHARLES W. DILKE: I stated the other day that we have no right of access to the Bey by Treaty. We have no reason to believe from anything which has yet taken place that the stipulation contained in the Article on which the noble Lord's Question is based has affected the privileges and immunities of Her Majesty's Agent and Consul General. Those privileges and immunities are as follows:—Immunity from criminal and civil jurisdiction; immunity of house and goods; freedom from import duties; liberty of worship; power over suite; privilege to employ Tunisians as dragomans, who are to be protected. These are the privileges and immunities of Oriental countries.

Lord RANDOLPH CHURCHILL: Has M. Roustan a right of access to the Bey whenever he wishes?

Sir CHARLES W. DILKE: M. Roustan has been appointed Foreign Minister to the Bey of Tunis, and we have nothing to do with his rights in that capacity. As the Representative of France, he has no more rights than the Representative of any other Power.

Sir H. DRUMMOND WOLFF: How is it possible to bisect the individuality of M. Roustan? When is he to be looked upon as the Foreign Minister to the Bey, and when as the Representative of France?

Sir CHARLES W. DILKE: I have already stated that the difficulties which might possibly arise out of the double nature of the functions of M. Roustan are engaging the attention of Her Majesty's Government.

Lord RANDOLPH CHURCHILL: As I understand the hon. Member for Burnley intends to withdraw his Motion on the subject of the Anglo-Turkish Convention which stands for Friday night, I beg to say that I will, on that occasion, draw attention to the affairs of Tunis, and move a Resolution.

Mr. RYLANDS: I beg to say that I have not intimated my intention of withdrawing my Motion which stands for Friday night.

ARMY ORGANIZATION—THE REVISED MEMORANDUM—SECONDED OFFICERS.

Mr. MOLLOY asked the Secretary of State for War, If it be intended under the new scheme of Army organisation to maintain the existing system of seconding officers employed away from their regiments as adjutants of Militia and Volunteers; and, if those captains, now so employed, who may on the 1st July obtain their substantive majorities, will be seconded in their new rank?

Mr. CHILDERS: If the hon. Member will refer to the additions to paragraph 6, at the head of page 2, in the revised Memorandum, he will find an exact answer to each of his Questions.

Sir ALEXANDER GORDON asked the Secretary of State for War, Whether he intends to introduce a new system of drill for the infantry of the Army, so as to allot duties for the increased number of officers on horseback (six instead of three) which it is proposed to give to each battalion under the new organisation; and, if not, whether he will state what duties in the field the new mounted officers will be required to perform?

Mr. CHILDERS: In reply to my hon. and gallant Friend, I have to inform him that the drill will remain as at present. The two Field Officers next in rank to the Commanding Officer will be mounted on parade, and will perform the duties assigned in the Drill Book. The other Field Officers will command companies on foot, but they will be mounted on the line of march, and will perform Field Officers' duties in garrison. My hon. and gallant Friend may rest assured that great care will be taken to clearly define the duties of these officers.

Lord ELCHO asked the Secretary of State for War, Whether the Regulations were to be retrospective by which a lieutenant colonel would, after four years' service, be made a full colonel; and, secondly, whether the tenure of the command of a regiment would be reduced to four years?

Mr. CHILDERS: In reply to my noble Friend, I have to say that the Regulation as to the promotion of a lieutenant-colonel, after four years' service, to the rank of colonel is to be so far retrospective that every existing lieutenant-colonel, who will have completed the qualifying service by the 1st of July, will be promoted colonel from that date. As regards the tenure of regimental command, the new rule of four years' tenure will not be retrospective, as those lieutenant-colonels appointed before the 1st of July will be allowed to complete their five years, subject to retirement on account of age.

EVICTIONS (IRELAND)—MIDDLE MACE, CLAREMORRIS.

MR. O'CONNOR POWER (for Mr. PARNELL) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to the recent eviction of Michael Scanlan, of Middle Mace, Claremorris, who was evicted with six in family by Mr. Walter Burke, of Curraleigh, Claremorris, and who with his family have been living in a state of extreme destitution in a small hut built of sods in a ditch, the hut being so small and badly constructed, that there is not room within it for their little furniture, consisting of a table and a chair, which have been left outside; whether the police patrol had prevented them from going back into the house from which they were evicted, although the door of the house is open; and, whether the police are legally entitled to move persons by force from an empty house of which the door is left open?

MR. W. E. FORSTER, in reply, said, the man Scanlan was evicted for non-payment of one and a-half year's rent, and he and his family were living in a hut now, as described in the Question. The police did not prevent these people from re-taking possession, but they had been served with a summons for doing so. [The right hon. Gentleman then read a letter from the landlord denying that there was any hardship on the tenant in the case.]

PARLIAMENT—ORDER OF BUSINESS—THE ARMY ESTIMATES.

MR. CHILDERS said, that, on the previous day, in reply to two Questions, he had promised to state on what day he proposed to place the Army Estimates on the Notice Paper with a view to an opportunity being given of discussing, as far as they could be discussed on the Army Estimates, the different arrangements of the organization of the Army that were contained in the Memorandum which had been laid upon the Table. The question was one of some little delicacy, and had to be considered carefully. On the one hand, it was important that no interruption should take place to the discussions of the Land Law (Ireland) Bill in Committee; and, on the other hand, he had promised, as far back as March last, that before the 1st of July a day should be given for discussing the Estimates and the impending change. He had advised the Prime Minister that the spirit of that promise would be best observed by assigning a full day to the discussion; and his right hon. Friend had accordingly authorized him to say that if the hon. Member for Burnley (Mr. Rylands) would withdraw his Amendment on the Motion for going into Committee of Supply on Friday evening—an Amendment that would probably occupy the whole of the Sitting—and if other hon. Members would do the same, the Government would put down the Army Estimates for Friday at 4 o'clock. That was the proposal of the Government, it being understood that the Land Law (Ireland) Bill should stand second on the Orders, so that if the debate on the Army Estimates, as far as they related to the new Organization Scheme, ended at a reasonable hour, the consideration of the Land Law (Ireland) Bill might be resumed that evening. He, therefore, appealed to his hon. Friend the Member for Burnley to withdraw his Motion for Friday evening, and would urge the great importance of discussing the new Army Scheme before it took effect on July 1. He also hoped that the right hon. Gentleman opposite, the Leader of the Opposition, would use his influence with hon. Members on his side of the House with the same object.

MR. RYLANDS confessed that he felt himself placed in a rather difficult position. He thought his right hon. Friend was dealing rather hardly with him under the very peculiar circumstances of the Motion which stood in his name. He was fortunate enough to get a day fixed for the discussion of the Motion; but from circumstances over which he had no control, arising from the action of the Government in connection with the Peace Preservation Act, a Motion for Adjournment was unexpectedly made, and the entire night was occupied by Irish Members. The Motion which now stood for Friday night had excited considerable interest on the part of hon. Gentlemen on that side of the House, and he believed on the other side of the House also, and he had received intimations from several Gentlemen who intended to take part in the discussion. He did not know whether the Government, in the event of displacing him, would give him facilities for bringing forward the Motion at a reasonably early period; but it could not be expected that he should give way, however willing he might be to meet the convenience of the Government, unless they gave him another night. If he now withdrew his Motion, it must be on the distinct understanding that other hon. Members whose Notices had precedence of Government Business would do the same. There were two other Notices on the Paper for Friday evening, and the noble Lord opposite (Lord Randolph Churchill) had also announced his intention of bringing forward a Motion of great interest; so that it was necessary to appeal to others besides himself, and, if they declined to withdraw, he could hardly be expected to do so. And, even if the noble Lord undertook to efface himself, there was no guarantee that the whole evening would not be occupied by hon. Members from Ireland. He, however, placed himself unreservedly in the hands of the House. He did not wish to stand in the way of the progress of the Public Business, least of all did he wish to interfere with the arrangement of his right hon. Friend at the head of the War Department; but he appealed to the Government not to press him to give up the evening unless it was quite clear that it would be occupied with Government Business. He might, perhaps, suggest that next Tuesday would suit the purposes of the Government equally well.

Mr. T. COLLINS said, he would be happy to give up his position on the Paper for Friday if the Government would give him another day, or indicate that they were prepared to accept his Motion. Otherwise, it would be impossible for him to give it up.

Earl PERCY asked the right hon. Gentleman whether he proposed to take the Militia Votes at the same time as the Army Estimates, as he understood there was a desire to take a separate discussion on the point?

Mr. CHILDERS replied, that he intended to take the Militia Vote No. 5.

Sir STAFFORD NORTHCOTE: So far as I can at present form an opinion on the subject, I think the proposal made by the Government seems to be a very fair and reasonable one. There is no doubt that an undertaking was given early in the Session that an opportunity should be given for the discussion of the new Army Organization Scheme. If that discussion is to be at all valuable it ought to take place before the end of this month. There is, no doubt, a good deal of difficulty in the proposal that hon. Members should give way for the purpose of enabling the Motion of the Government to be brought forward. The hon. Member for Burnley (Mr. Rylands) says, very fairly, that he is ready to give way for the convenience of the Government and of the House, with the full understanding that if he does so others will do the same. I am able to say, on behalf of my hon. Friend the Member for Birkenhead (Mr. Mac Iver), with whom I had some conversation on the subject, that he would be perfectly prepared to waive his Motion if the hon. Member for Burnley did not proceed with his. With regard to my hon. Friend the Member for Knaresborough (Mr. T. Collins), he speaks for himself, and it is unnecessary that I should say anything further. But it does not seem to me necessary at this moment to come to an absolute arrangement on the subject. I think with reference to the possibility of other hon. Gentleman putting down Notices at the last possible moment that it is hardly to be expected, as it is not usual when arrangements of this sort are made for that course to be taken.

Lord RANDOLPH CHURCHILL said, as the subject of which he had given Notice was a very important one, and in order that there might be no mistake, he wished to state that should the Paper be vacant on Friday, he should certainly take advantage of the opportunity for bringing on his Motion.

Sir WALTER B. BARTTELOT said, that this question of Army Organization was most important, and that they ought to have a full discussion on the Scheme of the right hon. Gentleman. That could be done only in one of two ways

—either by the Government giving a day, or by postponing the operation of the Scheme to the 1st of October. He was told there was great difficulty about such a postponement. But supposing they could not get the whole of Friday, he would ask whether they could not commence the discussion at 2 o'clock on Friday, or on the Tuesday of next week, with the Speaker in the Chair? If that were done they would have an opportunity of discussing this important and most pressing question.

Mr. CHILDERS said, he thought the suggestion of the hon. and gallant Baronet did him great credit. He knew how anxious the hon. and gallant Baronet was for a full discussion. The hon. and gallant Baronet had also appreciated the extreme difficulty—indeed, the absolute impossibility — of postponing the operation of the new Regulations. If the hon. and gallant Baronet and other hon. Members would accept the proposal that the debate should commence on Friday morning at 2 o'clock with the Speaker in the Chair, the views of the House upon Army Organization, or upon the two or three leading questions connected with it, might be satisfactorily gauged; and he would undertake after the 1st of July to press upon his right hon. Friend the propriety of giving him a day for discussing the Votes. If the hon. and gallant Baronet would accept that view, he would do his part to have the Army Estimates put down as the first Order of the Day on Friday.

Mr. ONSLOW said, that it was not only in March, but also a few weeks ago in June, notwithstanding the numerous Amendments on the Land Law (Ireland) Bill, that the right hon. Gentleman promised that the Government would find a day before the 1st of July. It was, therefore, incumbent upon the Government to give a day for discussing this subject, which affected not only the Army in this country, but the Army in India.

Mr. CHILDERS said, he had stated, in discussing a Vote which came on late at night some weeks ago, that that discussion should not, in the slightest degree, interfere with the promise he had given.

Sir H. DRUMMOND WOLFF remarked, that the reason his noble Friend (Lord Randolph Churchill) had given Notice of a Motion with respect to Tunis was the great reticence shown by the Under Secretary of State for Foreign Affairs with regard to the position of the English Consul General at Tunis. If the Under Secretary would, on Thursday, in reply to a Question which would be put to him, place them in full possession of the information desired, he believed his noble Friend would not persist in his intention.

Sir CHARLES W. DILKE said, he should not be in a position to give full information on Thursday, because communications were going on.

Earl PERCY feared that the proposal of the hon. and gallant Baronet (Sir Walter B. Barttelot) would hardly meet the question of the Militia. If the discussion was taken on the Motion that the Speaker do leave the Chair the two questions of the Army and Militia would be mixed up, and, as the right hon. Gentleman knew, the discussion as to the Militia would go to the wall.

Mr. CHILDERS certainly thought there should be a further discussion on the subject of Militia arrangements, and that was what he intended.

Sir WALTER B. BARTTELOT said, as he understood it, on Friday next the new scheme of Army Organization was to be discussed with the Speaker in the Chair, no Votes were to be taken, and when the Votes came on upon a later occasion the noble Lord would have an opportunity of raising the question in which he felt interested.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [TWELFTH NIGHT.]

[*Progress 20th June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 4 (Incidents of tenancy subject to statutory conditions).

Dr. COMMINS said, the Amendment which stood in his name on the Paper was, practically, merely a verbal one. It introduced no new principle whatever, and only purported to carry out what he understood to be the object of the framers of the Bill—namely, not only to give to the tenant his interest in his own improvements, but to render him quite capable of taking away buildings and substituting others for them, or allowing them to go to ruin if they did not suit him. Under the clause as it at present stood, a tenant who had erected a house or a wall, or any other building, and afterwards found it of no use to him, would, nevertheless, be compelled by the landlord to keep it in repair or forfeit his tenancy. He proposed to insert words in the clause to prevent the eviction of a tenant for such a cause as that.

Amendment proposed,

In page 4, line 31, after "buildings," insert "which have been wholly or principally erected by the landlord, or the entire interest in which he may have acquired by any separate or other title than that of owner of the land."—(*Dr. Commins.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he hoped the hon. and learned Gentleman would not press the Amendment. It was admitted on all sides that the landlord was interested in the preservation of the premises in a good condition, as he had a reversionary interest in them; and he (the Attorney General for Ireland) thought it was undesirable that there should be any relaxation of the Common Law rules, by which a tenant was bound to keep all buildings on his holding in repair. No doubt, they had the security that the tenant would keep these buildings in repair for his own sake; but that was not enough to protect the property. As to the fear of actual eviction, there would be a provision in the Bill to enable the Court in fit cases to relieve the tenant from the forfeiture. He did not think that it ought to be punished as waste for a tenant to pull down an old building for the purpose of erecting a new one.

MR. HEALY wished to draw a comparison between the manner in which Amendments coming from the Irish Members and those coming from other hon. Members were treated. Hon. Members sitting near him proposed Amendments in the interest of the tenant, some of which were extremely reasonable; but the Government met these Amendments with the statement that they were not required by the equity of the case, or that the object for which they were advanced had already been effected; and no enthusiasm was excited in the minds of the Liberal Members, who were willing to leave the matter in the hands of Her Majesty's Government. The Liberal Party had no enthusiasm in the interests of the tenant; but the case was very different when they came to deal with the interests of the landlord. Amendments against the tenant, and in favour of the landlord, were proposed and were disposed of merely by a nod. He (Mr. Healy), for one, was not content to allow this sort of thing to continue. They had been dealing a little too softly with the Government, and had got nothing for their pains. The Government had not opposed this Amendment on its merits, but had made one of those excuses that the Committee were continually hearing. For the future, when the Irish Members brought forward a reasonable Amendment, they should insist on it, and, if the Government refused to accept it, divide the Committee upon it. He himself had brought forward half-a-dozen reasonable Amendments, and only in one case had he gone to a division; but, owing to the way in which the Irish Members were being treated, it would be necessary to change these tactics. He would, therefore, advise the hon. and learned Member to go to a division on the Amendment.

MR. GLADSTONE: I cannot allow the statement made by the hon. Member who has just sat down to pass without a reply. So far as we are concerned, it is without the smallest foundation. He said the right hon. and learned Gentleman near me (the Attorney General for Ireland) did not oppose the Amendment on its merits; but, so far as this is concerned, he is wrong in his statement of fact. The right hon. and learned Gentleman did not attempt to exaggerate the situation; but he said that the Amendment was a reversal of the principle of Common Law, and he laid down that the landlord had an equitable interest in the efficient condition of the entire holding, in which the tenant had a joint partnership, and in which he received, or is to receive, tenant right. Therefore, it was upon the merits that the right hon. and learned Gentleman opposed the Amendment. I beg the hon. Member (Mr. Healy) to believe that there is a strict and undeviating effort made by us to judge every Amendment according to its merits, without the smallest regard for the quarter of the House from which it comes.

MR. T. D. SULLIVAN said, the Attorney General for Ireland entirely missed the point of the Amendment, which was with regard to buildings to be erected by the tenant himself. The right hon. and learned Gentleman had spoken as though it related to buildings which were the property of the landlord.

MR. BIGGAR said, he could not agree with the Prime Minister as to the manner in which Amendments were received from different parts of the House. They had had an illustration only last night of the kind of thing to which the hon. Member for Wexford (Mr. Healy) had objected, for directly after a reasonable Amendment, proposed by an Irish Member, had been rejected by the Government, a similar Amendment, coming from another quarter, was accepted by a nod. That was not the way to treat Amendments "on their merits," and some reason should have been given by the Government for their change of front. The formula of all Liberal Associations in the Kingdom was that this Bill was an honest attempt to deal with the Irish Land Question; but it appeared to him to be nothing but a splendid attempt to sit upon two stools—to make it appear that they were giving something very considerable to the tenant, when, in reality, they were giving him little or nothing. What had occurred in regard to this Amendment?——

THE CHAIRMAN: Just as the hon. Member for Wexford (Mr. Healy) sat down, I was about to say to him that he had spoken for some time, but had not alluded to the merits of the Amendment before the Committee. I must call the attention of the hon. Member for Cavan to the fact that he is not discussing the Amendment.

MR. BIGGAR said, he was not speaking upon the general question, but as to the mode in which Amendments were received by the Members of the Government. In the present instance, the Amendment had been met by a quibble. When a man signed a lease he contracted to keep in good repair all buildings on his holding; but it was a well-known fact that in Ireland there were very often no buildings on the land when the tenant entered into possession. The tenant himself built the houses, and there was no contract as to what repairs should be done. The clause, as it stood, without Amendment, would introduce an entirely new law, and would attach a penalty upon that which, in times past, had not been in any way penal. Some tyrannical landlords, without having spent 1*d.* on the farm buildings themselves, would avail themselves of the powers of the clause, and, taking advantage of every lapse on the part of their tenants, prosecute them and treat them unfairly. That which belonged to the landlord was merely the land in its natural state. The buildings belonged to the tenant, and, under the powers of this Bill, he would have the right to sell them. If he allowed any dilapidations to occur it was to his own injury, and not to the injury of the landlord. The Government imagined a contingency which never would arise, for the parties who would ultimately get the land would be the tenant's heirs or his creditors; but certainly not the landlord.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that by the law as it stood the tenant from year to year was bound not to commit voluntary waste. That was all they said the tenant in this case should not do. They did not oblige him to keep the premises in repair; but, in cataloguing his obligations, they made him responsible for the buildings on his holding just to the same extent as the ordinary tenant from year to year was at present.

MR. MARUM said, he hoped the Amendment would not be pressed. It must be borne in mind that the buildings on a farm did not belong to a tenant, although he was entitled under the Act to compensation for them. He could wish to see some equity clause framed, whereby there would be some means of preventing the grievances that hon. Members imagined would arise.

MR. LEAMY said, that, as he understood the principle of the clause, it was not one of Common Law at all, but of feudal law, which gave everything attached to the land to the owner of the freehold. The right hon. and learned Gentleman the Attorney General for Ireland said the Amendment would interfere with that principle; but that principle had been interfered with over and over again. It had been interfered with by all the enactments dealing with fixtures, and it would be interfered with by this Bill, which would enable the tenant to sell his improvements. He would ask the Government whether they proposed that the landlord should be able to treat persistent waste by the tenant of buildings which he (the tenant) had himself erected as a breach of statutory conditions entitling the landlord to claim forfeiture, or that he should go before a magistrate and obtain an order against waste, disregard of which on the part of the tenant would render that individual liable to a month's imprisonment, which was already the law under a re-enactment of an Act of *Geo.* IV.? This old law was a strong protection to the landlord. What was waste? A tenant built houses on his farm, and, perhaps after three, or four, or five years, he took it into his head to knock them down for the purpose of erecting new buildings. This would be called waste, for which the landlord could claim forfeiture; and this, it appeared to him, was extremely unreasonable. The landlord should only be protected so far as buildings he himself had erected were concerned. By the Bill they were giving the tenant the right to dispose of his own improvements, and it was exceedingly unlikely that he would allow those improvements to get into a state of dilapidation and become valueless to himself. He submitted, therefore, that the Amendment was one which might very reasonably be accepted by the Government, and one which would not in any degree prejudice the landlord.

Dr. COMMINS said, it was not a tenant from year to year that a landlord could evict for dilapidation; therefore, the Attorney General's argument fell to the ground. The landlord had never had power to evict for dilapidation; but this clause purported to give it to him, and not only did it give him that power, but it gave it to him in perpetuity—power to evict for dilapidations of the tenant's own property, and which the tenant could go into the market and sell if he thought proper. The principle introduced in the clause might be used for most oppressive purposes by the landlord. One of the objects of this Bill was to take away the landlord's power of oppression; and, while he did not desire to deprive them of one farthing of their right in their property, he was anxious to take away from them every right that they could use oppressively.

Mr. SHAW asked whether the Government could not introduce words which would, in some way, meet this case? No doubt, there was something in the objection of the hon. and learned Member opposite (Dr. Commins). He himself had known cases where buildings had been allowed to fall gradually into decay. There was such a thing as changing the style of farming and having no use for buildings in the second method that were valuable in the first. The question was, whether the Government would not introduce some words which would prevent a landlord bringing before the Court dilapidations that did not involve any substantial injury. It would be a very serious thing if, for an alteration that could do no injury to the landlord, and no injury to the farm, such a severe penalty as forfeiture could be imposed upon the tenant.

Mr. BIGGAR said, that one of the complaints in Ireland was that the landlords indulged in interferences which were unreasonable, and unnecessary, and troublesome. The late Lord Leitrim would not allow his tenants to make improvements on their farms without first obtaining his permission. In one instance the tenant had gone to the trouble and expense of building a new house; but the landlord's permission had not first been obtained, and the result was that when his Lordship saw the structure he insisted upon the tenant's pulling it down again. This was, no doubt, an extreme case; but, according to this clause, which the Government seemed disposed to force upon the Committee, it would be within the power of every landlord in Ireland to act as Lord Leitrim had done. There were still, in some parts of Ireland, landlords who acted as Lord Leitrim had done—Mr. Ogleby, of County Mayo, for instance. This gentleman was another edition of Lord Leitrim, and had made all sorts of rules for his tenants, keeping them in a constant state of anxiety and turmoil. The effect of the Amendment, if it were accepted, would be to give the tenantry throughout Ireland a feeling of security and independence.

MR. MITCHELL HENRY said, he did not wish to give his vote without some explanation. He supposed that if a landlord had erected a building on a farm, persistent waste would be to allow that to go to ruin; but did the Attorney General for Ireland mean that if a tenant took a farm on which no building existed, and, say to-morrow, built a house upon it, and, five years hence, allowed that house to get into a condition of dilapidation, that the landlord would be able to evict him? Where, he would ask any Member of the Committee, was the justice of a law which would permit such a thing as that?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the matter seemed to be getting into a grave state of confusion. There were two kinds of waste known to the law. One was permissive waste, where the tenant did nothing, but the thing went, as all things would in time, to decay. That was not within this clause at all, whether the building belonged to the tenant himself or to the landlord. By the Common Law of the land a tenant from year to year who got a loan of a thing for a time, though not bound to keep up buildings and make good natural decay as a leaseholder would be obliged to do, was still bound not to destroy anything. He was bound not to commit voluntary waste, and with that alone this clause dealt. There seemed to be a little misapprehension on the subject. A tenant built a house on his farm; he could not sell that house apart from the farm, and when they talked about his owning the improvements and being able to sell them what they meant was that he could sell his tenancy with the improvements on it, but whatever was attached to the soil belonged to the owner of that soil, though he should pay the value of such addition. A landlord built and let a farm, and the hon. Member opposite supposed that the tenant let it go to decay. It was said—"For that, under the Bill, the landlord can claim forfeiture;" but that was not the nature of the clause at all. That was what was called "permissive waste;" but if the landlord let the farm with a building on it, and the tenant persisted in knocking that building down in spite of having received notice from the landlord that he was not to do so, that constituted "voluntary waste," for which he could be proceeded against and forced to quit. As to the manner in which these conditions were to be enforced, he had already stated that, acting in the spirit of an Amendment proposed by his hon. and learned Friend the Member for Tyrone (Mr. Litton), they proposed to enable the Court to refuse to declare a tenancy forfeited and to deal with each case on its merits and award damages, or nothing, as might be just. They merely enacted in this clause what was a Common Law obligation in regard to yearly tenancies. By enlarging the powers of the Court and rendering them more flexible, they hoped they would be able to secure justice both to the landlord on the one side and the tenant on the other.

SIR GABRIEL GOLDNEY said, that the fixing of rent by the Court would be governed by all the incidents of the tenancy existing at the time.

SIR GEORGE CAMPBELL said, that not only was it not a matter of common sense that what one man put on the soil belonged to another, but it was directly contrary to it. That seemed to be an oppressive law—a remnant of the feudal system. If the landlord let a farm with buildings on it and the tenant pulled them down, it was right that he should be punished for it; but, on the other hand, if the tenant put up buildings and pulled them down again himself, it was contrary to common sense that he should be punished for it. When one man purchased a holding from another he might find buildings on it built by his predecessor which were not suited to his wants, and might pull them down for the purpose of erecting the kind of premises he required. Surely it would be very hard to punish him for doing that.

MR. O'SULLIVAN said, that although this seemed a very small matter on the surface it was really very important. In Ireland, in 99 cases out of 100, it was the tenants who erected all the buildings on a farm. Changes might be made in the character of farming in that country; indeed, it was very likely that they would be made, looking at the immense cattle trade between America and this country. The Irish farmer might have to go back to tillage, and all the cattle sheds and cow houses might have to be pulled down. Would such a demolition be considered waste? It might in the future be necessary for the proper working of a farm that buildings of this character should be removed; and yet, if he understood the clause aright, a tenant might be evicted for such "voluntary waste." He knew of a case where there was an old mill on a farm. If the landlord were to compel the tenant to keep that in repair all his profits would be swallowed up, in a few years it would fall down from sheer old age, and the tenant would have lost all his "improvements."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that there would be no forfeiture in cases of permissive waste, but only in the case of wilful waste. It was suggested that there ought to be no condition of this kind except in the case referred to by the hon. and learned Member for Roscommon (Dr. Commins); but there were cases in which the landlord should be protected which were not covered by the Amendment. The buildings that the landlord had erected might be pulled down in order that similar structures might be put up in another and more convenient part of the holding. These buildings would not have been erected by the landlord, still they would be the only buildings for the purposes of the farm, and it would be unreasonable to allow the tenant to destroy them at will. But there should be no right to evict where the landlord could be completely protected by the payment of damages. The Government intended to protect the tenant in this way by giving the Court, in all cases, ample power to restrain ejectments.

MR. PARNELL wished to know what was the advantage of retaining this portion of the sub-section if they intended, as it appeared they did, by a subsequent Amendment, to enable the Court to impose a fine on the tenant for wilful waste. The landlord, as had been shown by several legal Members, was fully protected already. He had a variety of remedies, and it was entirely unnecessary to give him the additional one provided by this sub-section. The Solicitor General had announced that the Government proposed to give the Court power, as an alternative to this sub-section, to inflict a pecuniary fine.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL): No, to give compensation.

MR. PARNELL: Well, to give compensation. Surely that was sufficient. As the clause now stood, it furnished an inducement to the landlord to enter upon harassing law suits. The Attorney General for Ireland had explained that this sub-section was only intended to deal with persistent waste—that was, waste actually committed by the action of the tenant and not by the neglect of the tenant; and he had said that surely no landlord out of a lunatic asylum would bring a suit against his tenant where the persistent waste committed was of a beneficial character. But they were entitled to reply—"Surely no tenant out of a lunatic asylum would commit wilful waste of his own improvements, unless that wilful waste was of a beneficial character." It was a fact that many landlords in Ireland refused their tenants permission to remove any permanent improvement whatever — that was to say, in the nature of a wall, fence, or building. That part of the Bill which the Amendment was intended to veto would keep alive that power, which was one of a very objectionable character. Illiterate men, as many of the Irish tenants were, would not find it easy to describe the improvements they intended to execute in such a way as the office of the great landlord desired. It would be difficult for them to make maps of them and to indicate the expense and their exact nature beforehand; therefore it was desirable that they should not give the landlord power to initiate an expensive law suit against the tenant merely on account of an act which, by the converse of the argument of the Attorney General for Ireland, no tenant out of Bedlam would be guilty of. He thought the case for the adoption of the Amendment had been fully made out.

MR. MITCHELL HENRY said, that if they were making a law which was to regulate the relations between landlord and tenant it ought to be made as plain as possible to both. It ought to be made plain to the landlord that the buildings he had erected were his own, and that if the tenant injured them he was liable to all the penalty; but it ought also to be made evident to the tenant that he was master of his own farm, and had a right to erect and pull down any buildings that he pleased. What were they doing? In the Bill they were doing precisely what caused, in so great a measure, the failure of the Act of 1870. They were making provisions of an absolute character and then putting in some extraordinary equity clauses, which were to undo those provisions. What would happen here? The tenants were ignorant men; the agent of the landlord might go to one of them and say—"You pull down that building or do anything to injure it, and you are guilty of waste, and we shall proceed against you." It was all very well to say that the Court would get all the facts brought out, and proceed to award damages. Going to the Court meant enormous exertion and great anxiety on the part of the tenant, great expense and a very uncertain result, because the Committee knew perfectly well that what one Court had decided another was very apt to settle in an opposite way. Why, in the name of common sense, could the Government not make it clear in the clause that if the buildings belonged to the landlord, having been erected by himself solely, or with the assistance only of his tenant, he had a claim to them; whilst, on the other hand, if the tenant erected them they were his, and he had a right to do what he liked with them? This clause would act as a direct discouragement to tenants to improve their farms. The Irish tenants were a suspicious class—and naturally so from what they had suffered—and were not likely to improve their farm buildings. They would never attempt to improve their houses, which was the great object to be obtained; they would not put up farm buildings when they were told—"You once put that up, and you have no power of altering it or pulling it down, otherwise the landlord may proceed against you for ejectment, and the Court will have to decide whether you were entitled to pull it down or not." It might seem absurd to English Members to hear this matter argued; but the cases were without number in Ireland, where the agents of landlords had refused most reasonable permission to tenants to erect or alter buildings. The proceedings on Lord Leitrim's estate ought to be a beacon to guide the Government in dealing with this matter. What had been done on that estate might be done elsewhere. If the matter was taken to a division, he (Mr. Mitchell Henry) should certainly vote for the Amendment, regretting deeply that the Government had not met the hon. and learned Member in some way.

MR. WARTON was sorry to see such a great waste of time owing to the determination of hon. Members below the Gangway not to be convinced. After the very clear and lucid statements of the Attorney General for Ireland and the Solicitor General for England, he should have thought there was no room for argument; but the hon. Member for Galway (Mr. Mitchell Henry) had twice risen to show that he was unconvinced. The clause only dealt with voluntary waste—persistent voluntary waste.

MR. CHAPLIN said, he was unable to reconcile the statements made by the Attorney General for Ireland and the Solicitor General for England with what they had all along—or what he had all along—understood to be the spirit of the clause. The clause introduced statutory conditions and enacted what, practically, amounted to fixity of tenure; and they were, therefore, importing a new principle into their English legislation. This novel, dangerous, and mischievous principle of fixity of tenure was, he understood, qualified by certain conditions, a breach of which would bring the tenancy to an end; but they now heard that a breach of those conditions would only entail a nominal fine. The Amendment was only another illustration of the futility of the attempt to establish a co-partnership in land in Ireland. As the hon. Member for Cavan (Mr. Biggar) stated, the Government were trying to sit between two stools; and he should not be surprised if, before long, they came to grief between them.

MR. E. COLLINS said, that the tendency of the law in Ireland had been to award damages for breaches of conditions. Was there anything in the subsection they were dealing with that would interfere sensibly with the spirit of those decisions—did the sub-section carry new conditions that did not involve damages?

MR. DALY said, that, in a case where a person had bought a tenant's improvements and interest in a farm, and proceeded, for reasons of his own, to throw down some of the buildings constructed by his predecessor, the landlord, if this sub-section was not amended, could serve him with a notice, and, if he persisted in the operations, claim forfeiture of the tenancy. Every protection should be given to the tenant, who, of the two parties—the tenant and the landlord—was the weaker.

Mr. WIGGIN wished to point out that, where a farmer bought up the tenant right of a farm adjoining his own holding, he very likely would not have use for the house on the newly acquired land, for which rates and taxes would be charged, and might desire to pull it down or convert it into a cow-shed or barn. If he followed his inclination in the matter, surely it would be very hard to punish him for it.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that for merely allowing buildings to go out of repair or to fall down the clause did not propose to inflict any punishment at all. There might be cases where a landlord let a piece of land on condition that certain buildings should be erected on it, and if those buildings were erected and subsequently demolished by the tenant, it would be very hard if the landlord had not a legal remedy. With regard to the case that had been put to him of a tenant buying an adjoining farm, it might be assumed that it would not be regarded by the landlord as waste to pull down some of the buildings; but, even if it was, the matter would have to be gone into in Court, and the tenant could make out his case. Hon. Members would remember that this clause did not deal at all with the remedy; it merely stated what were the obligations of the tenant. The clause said the tenant should pay his rent, and should not commit actual and positive waste by pulling down buildings or doing other damage after receiving caution from the landlord. The remedy for these breaches of condition was in the 13th clause. There, it would be seen, the Bill said that for non-payment of rent the landlord must proceed by ordinary process of ejectment, and for the other breaches by notice to quit, and they proposed to add that the Court should have the power to say whether there was any, and, if so, what amount of harm done, and to award damages accordingly.

Mr. CALLAN said, the arguments of the Attorney General for Ireland conclusively proved to him that the language of the clause should be altered. He learned, for the first time in his life, that "dilapidations" meant wilfully pulling down buildings after notice from the landlord to desist. With submission to the right hon. and learned Gentleman, he understood that to be destruction. Persistent waste by dilapidation could mean nothing else than permissive dilapidation—that was to say, not keeping in repair. He certainly hoped that the interpretation given by the right hon. and learned Gentleman would not be adopted by the Committee.

Mr. GLADSTONE: We understand that the Amendment, in its present form, would assert the principle that improvements which have been effected by the tenant were so absolutely the property of the tenant that he may do with them exactly what he liked, without anyone calling him to account. But that is not our view. Our view is that when a tenant puts improvements on a holding, they become part of the holding, and that both the landlord and tenant have an interest in them—the tenant a limited interest in respect of his tenant right, and the landlord a permanent interest as owner of the whole. We have noticed that objection has been taken by the hon. Member for the County of Cork (Mr. Shaw), and that the point has been raised that there may be dilapidations which in themselves are really improvements—where, for instance, a tenant might destroy an old building in order to supply a more suitable or better building—and it is said an operation of this kind ought not to become the subject of presumptive forfeiture, or even of the first stage of an operation of the kind. Certainly, there is wanting a distinction between dilapidations that are mischievous and those that are beneficial; and, therefore, we should do, I think, quite right to insert after the word "buildings" the words "to the prejudice of the holding."

Lord JOHN MANNERS thought that the suggestion of the Prime Minister was a reasonable one, and that the discussion might now very properly be allowed to terminate.

Mr. MARUM reminded the Committee that the late Mr. Butt, in drawing his Bill, had made use of the word waste in the same way as it was used in this Bill.

MR. T. C. THOMPSON said, the Government did not appear to include permissive waste in the Bill, and he called the attention of the Committee to the fact that permissive waste included dilapidation—it meant, in the case of a building, that it was falling to pieces. Again, deterioration of the soil unquestionably meant permissive waste—that was to say, not attending to the crops. It did not mean active waste. He suggested that the Government should recast the clause in such a manner that ordinary persons engaged in farming in Ireland could understand it. They were contemplating a period when not noble Lords, but the tenantry of Ireland, should be owners of the soil. He thought the clause should be put in such a form that there could be no possibility of a mistake with regard to it.

MR. LITTON said, he sympathized with the spirit of the Amendment of the hon. and learned Member for Roscommon (Dr. Commins). He, however, regarded the word "principally," in connection with the last part of the phrase, as too strong, and suggested that the word "partly" should be substituted for it in the Amendment, the first line of which would then run — "Buildings which have been wholly or partly erected by the landlord." If that alteration were made, he thought the Committee might then proceed to a division.

MR. PARNELL said, that, in considering the provisions of this Bill, which limited the rights of tenants, it should never be forgotten that one of the probable effects of the measure under the Purchase Clauses would be the creation of a large number of average sized owners, and that very possibly many of these new proprietors would after a time become anxious to let a portion of the farms of which they had become owners. It therefore became all the more necessary that Parliament should not provide these new proprietors with any of the feudal remedies which were given under the old system to the old landlords. These new proprietors would be men living on the spot and looking after their interests very narrowly; and he thought it would be disastrous if, by increasing the number of limitations, the number of law suits should also be increased, which would come before the Court established by the Bill. The Prime Minister had drawn a distinction between the interest of the landlord in the tenant's improvements, and the interest of the tenant in such improvements. That was a distinction of which they had that evening heard for the first time, and constituted rather an alarming disclosure. He had supposed that the Bill purported to confer on the tenant the sole right to the beneficial interest in his own improvements; but it now appeared that the landlord was to have a beneficial interest in the improvements also. He should therefore like to know what that interest was to be; how it was to be defined; and whether it was to be maintained by a number of harassing conditions, such as abounded in the Bill, or in some other way? There had been a suspicion that the Bill would not secure to the tenant the full right to his improvements, and they now found their worst suspicions verified by the statement of the Prime Minister, who now admitted that the landlord had an interest in the tenant's improvements. The right hon. Gentleman had suggested that the hon. and learned Member for Roscommon should withdraw his Amendment, the Government on their part agreeing to the insertion of the words "to the prejudice of the holding." But he (Mr. Parnell) thought the exigencies of the case would be better met by a slight addition to those words, and that the words to be inserted should be "to the prejudice of the interest of the landlord in the holding."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) saw no objection to the words suggested by the hon. Member for the City of Cork.

DR. COMMINS said, that, as the Attorney General for Ireland had adopted the words suggested by the hon. Member for the City of Cork, which provided for the mischief he wished to guard against, he was in favour of the Amendment being withdrawn.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 4, line 31, after "buildings" insert "to the prejudice of the interest of the landlord in the holding."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

MR. BIGGAR wished to refer to a remark of the Attorney General for Ireland—namely, that the present clause was influenced by the 13th clause of the Bill. By the present clause the landlord might serve the tenant with notice to quit on the allegation that injury to the land had taken place. That would, no doubt, be fair if the improvements were the work of the landlord; but it was, of course, notorious that the greater part of the improvements on farms in Ireland was the work of the tenant, but it was perfectly impossible for any casual observer to know to what extent they had been executed by the tenant. He contended that if the landlord could not show that the improvements had been made by him that he should not have the powers which in this particular case were conferred by the clause. He begged to move the Amendment standing in his name.

Amendment proposed,

In page 4, line 31, after "soil," insert "In cases where such improvement beyond its natural state has been made by the landlord."—(*Mr. Biggar.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) was understood to say that the Amendment could not be accepted.

MR. PARNELL said, the questions of deterioration of the soil and of dilapidation of buildings stood on an entirely different footing. He was not able, therefore, to support the Amendment of his hon. Friend if he went to a division.

MR. BIGGAR said, as there appeared to be a feeling that it was undesirable to proceed with his Amendment, he was willing, with the permission of the Committee, to withdraw it.

Amendment, by leave, *withdrawn.*

SIR GABRIEL GOLDNEY said, that both the Bessborough Commission and the Duke of Richmond's Commission had reported in favour of the improvements of the tenant in his holding being taken into account in fixing the rent. The 7th clause of the Bill, also, empowering the Court to determine the rent, laid it down that the Court, in fixing the rent, should have reference to the improvements effected by the tenant or his predecessor in title. If that was so, it was quite clear that these improvements, when taken into consideration, ought not to be disturbed except the landlord received compensation. He was unable to see the necessity of retaining the words—

"After notice has been given by the landlord to the tenant to desist from such dilapidation or deterioration of soil."

Amendment proposed, in page 4, line 31, to leave out from "soil" to the end of the section.—(*Sir Gabriel Goldney.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government must retain these words. The meaning of "persistent waste" was not waste simply, but a continuance of the mischief after the landlord had given notice that it should stop.

SIR ROWLAND BLENNERHASSETT remarked, that the Committee last night had agreed to retain the word "persistent." There could be no persistent waste until notice to desist had been given by the landlord to the tenant. No doubt it would have been better and plainer that the sub-section should simply state that the tenant should not commit waste. This expression would have been quite intelligible and adequate, like the requirement of the French law, that the farmer should cultivate his land "*en bon père de famille.*"

MR. GIBSON admitted that the waste committed by the tenant after notice to desist had been given was "persistent waste;" but that was not the question involved here. It was whether the clause was so framed as to supply the landlord with reasonable, fair, and equitable protection against the destruction of his property. The sub-section was so framed that it might be that a wasteful tenant behind the back of the landland, and before the latter had time to give notice, would destroy the buildings on his farm. Such a case as that was entirely uncovered by the clause. Every tenant knew that in committing downright real waste he would be doing that which the landlord would stop him in doing. On the other hand, the tenant would know perfectly well that certain methods of dealing with the land, which would secure him, perhaps, remunerative results, were in themselves positive and direct waste. His objection to the sub-section was that there was everything in it to intimate to the tenant that he was safe provided the waste could be committed before the landlord gave him notice. It was a warning to the tenant to be quick with his waste, if he did not wish to be too late; it was as much as to say—"If you want to burn the turf of pasture land, you have only to go out and do it before the landlord has served notice, and then you are within the statutory conditions, because no notice has been served." As the clause stood, unquestionably a farm might be ruined in respect of buildings and soil before the landlord had an opportunity of serving notice upon the tenant to desist. If the sub-section remained unaltered, he was of opinion that this statutory condition was so much waste paper to the landlord, and that the notice required, instead of being a protection to the landlord, was a beacon to the tenant warning him against the shoals and quicksands which he had to avoid in order to commit waste with impunity.

MR. MITCHELL HENRY said, he was in favour of the elimination of the words proposed to be omitted by the Amendment of the hon. Member for Chippenham (Sir Gabriel Goldney). He thought that when once a tenant was placed in possession of his holding he ought to be held responsible for its preservation in good order, and that the fewer the occasions on which he had to look for notice from the landlord the better for both parties. The tenant would, of course, know that he would be doing wrong in pulling down buildings, and he would also know that he ought to abstain from such an act, without receiving notice from his landlord to desist. Evidence had been given before the Commissioners that one of the strongest reasons why the soil of Ireland had deteriorated was the burning of the soil, which caused heavy crops to grow. It was stated that the persons in possession of land where that baneful practice was carried on reaped extraordinary harvests for a time, and that it was only by the most watchful care on the part of the landlord that it could be prevented. He thought that everyone would allow that the burning of the soil was a great deterioration of it, and that the tenant should not be placed in the position to say—"I can do this because my landlord has not given me notice to desist." He objected to the landlord's having to give notice to the tenant that he was doing something wrong.

MR. MARUM pointed out that the landlord had already power, on suspicion of waste merely, to summon the parties supposed to have committed it, who could be brought before the magistrate, and, if found guilty, committed to prison for one month. He admitted that this power was not incorporated with this Bill; but there never had been any fear that, during the absence of notice, the tenant would commit pernicious waste. He therefore thought the Amendment was unnecessary, and hoped that it would not be agreed to.

MR. GORST said, he could see no reason why the Irish landlord should be forced to have recourse to summary procedure and Criminal Law. It would be much better to protect him by this simple Amendment than to require that notice from the landlord should become a condition precedent to the operation of the clause for the protection of the holding. There were many cases in which this notice could not be given. The landlord might be temporarily absent; he might be a minor, or suffering from illness, or otherwise placed in a position in which he could not serve the notice upon the tenant. Then why, he asked, should the giving of a notice be made precedent to the protection which the clause was intended to give to the landlord? The Amendment was of so reasonable a character that he believed Her Majesty's Government would make the concession asked for.

MR. M'COAN said, it seemed to have been forgotten that this clause positively created a new penalty against the tenant, and provided a remedy for the landlord over and above that already existing in law. No lawyer in the House, and probably few laymen, need be reminded that the proper and sufficient remedy for waste was an action. If the clause did not exist, the landlord would still have his legal remedy; and, therefore, he thought there were no grounds for limiting the clause by the omission of the words proposed to be struck out by the Amendment before the Committee. He pointed out to the hon. and learned Member for Chatham (Mr. Gorst) that such minors, sick persons, and others who might not be in a position to serve the required notice would still have their remedy by an action at law.

Mr. SHAW said, he hoped the Government would not consent to eliminate the words. It was unreasonable that the tenant in Ireland should be left subject to all the penalties of the clause without a single notice from the landlord.

Lord JOHN MANNERS said, the safeguard against the penalties which the hon. Gentleman who had just sat down suggested that the present clause imposed upon the tenant was to be found in the fact that the landlord could not call upon the tenant to desist, unless there was persistent dilapidation or deterioration. He did not wish to argue the question from the point of the landlord's interest or the tenant's interest, but with regard to what had been too generally neglected in those discussions—the interest of agriculture in Ireland. The retention of the words it was proposed to omit, if they were to have any practical operation, must be against the improvement of the soil of Ireland. If they had any meaning at all, it was that the tenant might persist in deteriorating the soil, until and unless he received notice from his landlord that he was not to continue this persistent deterioration. It was well known, as had been pointed out by the hon. Member for Galway (Mr. Mitchell Henry), that the deterioration of the soil of Ireland by burning had been going on for many years; and the Committee were also aware that it was of great practical importance that this deterioration should no longer be continued; but, in his view, the retention of these words would encourage the tenants of Ireland who might be so disposed to persistently deteriorate the soil, in the hope that the landlord would not detect what they were about, and consequently give the notice which was necessary, according to the clause, for his protection. For these reasons, he cordially supported the Amendment of the hon. Member for Chippenham (Sir Gabriel Goldney).

Mr. GIVAN agreed with the hon. Member for Cork County (Mr. Shaw) that the Government should not consent to omit these words from the clause. Inasmuch as the acts referred to would constitute a breach of statutory conditions, he thought the tenant should be guarded by this notice against their commission, which would involve the forfeiture of his tenancy.

Mr. PELL thought if the Amendment were agreed to it would be necessary, in the interests of agriculture as well as in the interest of the landlord, that some words of warning should be addressed to the tenant not to commit acts by which the soil was deteriorated or injured. As the clause stood, the tenant might continue for a considerable time in a course of action which would cause permanent injury to the soil, far beyond anything the framers of the Bill contemplated. It would be of no use to give the tenant notice after the mischief had been done; and therefore he should move at the proper time that notice be given to the tenant not to commit acts which were perfectly well known to be the cause of deterioration of the soil.

Mr. GLADSTONE said, it was not an inequitable proposal on the part of the hon. Member for South Leicestershire (Mr. Pell) that this notice should be given, and he was prepared to agree to the suggestion.

Sir GABRIEL GOLDNEY said, after the readiness expressed by the Prime Minister to agree to the words suggested by the hon. Member for South Leicestershire, he was willing, with the permission of the Committee, to withdraw his Amendment.

Mr. O'SULLIVAN objected to the slight protection given by this clause to the tenant being withdrawn, and trusted that the Prime Minister would not agree to the Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 4, line 32, after "tenant," insert "not to commit or."—(*Mr. Pell.*)

Question proposed, "That those words be there inserted."

Mr. T .D. SULLIVAN said, the result of this Amendment, if accepted by the Committee, would be the serving upon the tenant of a whole series of prohibitory regulations that would leave the tenant no liberty of action whatever. For his own part, he preferred the Amendment of the hon. Member for Chippenham (Sir Gabriel Goldney). If it could be shown that his fears were groundless with regard to the notices of a prohibitory kind that would be served upon the tenant, he should, of course, withdraw his opposition to the Amendment.

MR. MITCHELL HENRY said, he thought there ought to be as few notices passing between the landlord and the tenant as possible. His hon. Friend opposite argued that if the tenant committed waste after notice he would *ipso facto* forfeit his holding. But that was not the case. The effect of the clause was, that if a tenant persistently deteriorated the soil and injured buildings the landlord could bring him into Court, and it would be determined whether the acts of deterioration had been committed, and the Court could then put the powers of the Act in operation. No notice was necessary for that purpose. He trusted the Government would agree to leave out the words relating to the notice.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the notice would not be a general notice, but must state specifically that the tenant should desist from dilapidation or the deterioration of the soil, for instance.

MR. BIGGAR said, he was unable to see, the tenant farmers on large estates being able to keep their lands in good condition, why the landlords should be allowed constantly to interfere with the tenants in the management of their holdings. He could not see the slightest advantage in any of the precautions which were proposed to be set up in the interest of the landlords by the clause in the Bill now under discussion. There could be no doubt that under the existing system the agents were bribed almost every day to permit the tenants to do pretty much what they pleased; and as the bribes took the form, in many cases, of whisky, it was well known that numerous instances could be adduced, if necessary, of agents who had died from drinking whisky. This must show that the system now in existence was a thoroughly demoralizing one, and one which ought not to be encouraged. The Bill under consideration would have that effect among others; and therefore he wished that the measure, as a whole, and this clause in particular, should not receive the support of the Committee. The proposals which stood on the Paper, or, at any rate, a large number of them, opened the door to a system of meddling in Irish affairs which ought to be got rid of at the earliest possible moment.

MR. T. D. SULLIVAN opposed the introduction of the words, believing, as he did, that the effect of the Amendment would be to enable the landlords perpetually to serve their tenants with notices and regulations which would, of necessity, interfere with the liberty they had a right to expect in the management of their holdings.

DR. COMMINS thought the Amendment in its amended form was equally unnecessary, though not, perhaps, equally mischievous, as the original proposal. The proposal had reference to the deterioration of the soil and the buildings; but no one could suggest that any deterioration of the soil could take place in the course, say, of a single night, and it could not, therefore, be watched without an amount of vigilance which would not only be impossible, but unnecessary. Then there were the statements which had been made by a gentleman who was one of the most notorious land agents in Ireland, and who had written a book on the subject with the title, *Realities of Irish Life*. This book professed to give statements of fact; but the so-called facts were simple fictions mixed up with praises of the author's own vigilance in his calling, coupled with a statement that, as far as he was concerned, there had been no vexatious interference with tenants. He believed that the same vigilance was still exercised, and that no deterioration of the soil could be effected without ample notice of the fact being given to the landlords. With regard to the deterioration of buildings, there could be no doubt that the caretaker, or bog-ranger, or whatever else he might be called, would be sure to report anything of the kind to the landlord, who would have ample time to give any necessary notices to his tenants. It must not be forgotten that if the damage or deterioration did not exceed £5 there could be punishment by fine or imprisonment for a short period; but if it was beyond that amount, the offending person could on conviction be sent to prison for as long a term as two years. Was not this, he asked, sufficient for the landlords without their having in addition the power to do that which came within the scope of the Amendment before the Committee? He should certainly be very much surprised if Parliament consented to allow landlords, by means of office rules, to be continually serving on their tenants notices and regulations which would of necessity interfere with their liberty in the management of their holdings. If this Amendment was passed, in short, it would give to the landlords or their myrmidons arbitrary powers which they ought not to possess in regard both to the cultivation of the farms and what might, or might not, in strict equity, be called waste.

Mr. PARNELL thought the objection of the hon. and learned Member for Roscommon (Dr. Commins) to the Amendment was a very vital, if not, indeed, a fatal, one, and was certainly one that ought to be very carefully considered by the Government. The Government had very fairly said that they did not think landlords ought to be permitted to serve notices on their tenants when they entered on their tenancies; but the Amendment now moved left it open to the landlords to serve notices on their tenants at any period of their tenancies forbidding them to do certain things under the term dilapidations of buildings or deteriorations of soil, and in this way re-introducing the whole old system of office rules. The Government had expressly stated that this was not their intention; but he did not see how, on the spur of the moment, any Amendment could be framed which would have the effect of carrying out the intentions of the Government, which was that the landlords should have the power of stopping waste whenever it was about to be committed, without, at the same time, conferring upon them power to set up a number of office rules. He would therefore suggest that the Amendment might be withdrawn, and that before the Report the Government should consider how the clause could be best redrafted in order to carry out the intention to which he had referred as being that of the Government. For his own part, he thought the law of the land as it stood provided ample and summary means for the prevention of waste by tenants of agricultural holdings. He did not think it equitable to remedy waste by allowing a landlord to put into his pocket the result of that waste, or that the tenant should be punished as a criminal because he chose to injure what, after all, was his own property. If a tenant so injured his property he was injuring the whole community; but his punishment should not take the form of a resumption of his whole interest by his landlord.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, there need be no apprehension that the Government would facilitate the setting up of office rules. If the Amendment were agreed to, he would propose a further Amendment to omit the words "such dilapidation or deterioration of soil," so that the clause should read "not to commit or desist from the particular waste specified in such notice." This was a matter which he would consider before the Report, in order to determine whether the words he proposed would not have the effect of carrying into effect that on which all seemed to be agreed.

Mr. GILL thought the Amendment was a very misleading one, in addition to which it was bad grammar, for it did not make it clear whether the landlord was not to permit certain things to be done, or whether the tenant was not to permit someone else to do them.

Mr. PARNELL suggested to meet the difficulty by inserting the word "projected" after the words "waste or dilapidation."

Amendment (*Mr. Pell*) *agreed to;* and, on the Motion of Mr. Attorney General for Ireland, sub-section further amended by the substitution of the words "from the particular waste specified in such notice," in lieu of "such dilapidation or deterioration of soil" at end.

Mr. PARNELL proposed further to amend the Amendment by adding, after the word specified, the words "intends or commenced and."

Mr. GLADSTONE said, the insertion of the words proposed by the hon. Member would make the clause run very awkwardly, in addition to which they were, in his view, unnecessary, because what was intended by the Bill had already been made perfectly clear.

Mr. BIGGAR thought the whole affair was thoroughly misunderstood, for, as far as he could grasp the matter, the proposal in its present form would give perfect freedom to landlords to re-introduce office rules, they having spies and bailiffs all over their properties, who would be constantly taking bribes from the tenants in order that they might grow their crops in such rotation as they pleased. Reference had been made to the breaking up of permanent pastures, concerning which he would only say that it was not the custom in Cavan. He hoped the Government would not defer too much of the Bill to the stage of Report, as that would only lead to further discussion and expenditure of time, without, he feared, a corresponding advantage.

Mr. PARNELL still thought that notwithstanding the decision at which the Committee had arrived, it would be wise, if possible, to defer the matter until the Report, in order that it might be further considered; for he could not but think that, in its present amended form, the Bill would permit landlords to serve notices in advance, specifying every possible form of waste which the tenants were not to commit, and so to bind down the tenants just as they pleased.

Sir ROWLAND BLENNERHASSETT thought the question before the Committee was one which would be much more appropriate to be raised on the 8th clause.

Amendment by leave, *withdrawn.*

Mr. LITTON moved, in page 4, line 33, after "soil," insert—

"But if the Court, on the application of the tenant, and in case of proceedings by the landlord to determine the tenancy for such waste, shall be of opinion that justice can be done by awarding damages, then upon payment by the tenant of the amount of damages so to be awarded, or if the Court shall so direct upon the expenditure of the amount so awarded in making good the injury, the Court may stay the ejectment proceedings, and make such order as to costs as may be just."

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he agreed with the spirit of the Amendment; but suggested that this was not the point at which it should be moved. It should come at the end of the 13th clause, which prescribed the mode of proceeding for breach of these statutory conditions, and where the Government intended to provide that the Court should consider each case as it arose, in order to do justice between landlords and tenants.

Mr. LITTON was willing, though rather reluctantly, to withdraw the Amendment.

Mr. GLADSTONE thought his hon. and learned Friend did not quite understand what the Attorney General intended to do. The right hon. and learned Gentleman proposed to do more than the hon and learned Member proposed.

Amendment, by leave, *withdrawn.*

Mr. RANKIN wished to move an Amendment to prevent the tenants doing anything to annoy the landlords. The tenant, under the Bill, would be under no conditions for 15 years, except those laid down in Clause 4. He did not wish to insinuate that Irish tenants were more ill-disposed than others; but other landlords had the power to make their own arrangements with their tenants, such as Irish landlords had not. He would also point out that the nuisances or annoyances which he had in mind were not such as would come under the legal technicality of this clause. They might not be waste or dilapidation; but a tenant might put up a garden wall, which, though useful, might interfere with some beautiful prospect the landlord wished to retain. That could not be brought under the clause; but it might be a very serious annoyance. Again, a tenant might put up a shop near the landlord's gate, which would be a serious annoyance. In moving this Amendment, he did not wish to press for any particular form of words. It was the spirit and not the letter of the Amendment which he wished to press on the Government and the Committee. If the Government would undertake to bring up an Amendment in somewhat the same form he would not press this Amendment.

Amendment proposed,

In page 4, line 33, after "soil," to insert "and the tenant shall not do, or permit to be done, anything which may be or which may become a nuisance or annoyance to the landlord or his other tenants."—(*Mr. Rankin.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE thought the hon. Member had moved this Amendment under a temporary misapprehension as to the meaning of the clause. It was a very peculiar clause. It was a clause to specify not what was to be done, but to specify what were the wrongs which might be followed by forfeiture. The hon. Member would hardly say that erecting a garden wall, which would be useful, but which might be injurious to some prospect of the landlord, was a proceeding which should be followed by forfeiture. The clause proposed a general law which ought to prevail.

Lord RANDOLPH CHURCHILL suggested that a tenant might erect a public-house, which would be a great annoyance to the landlord, especially if the landlord strongly objected to public-houses.

Mr. O'SHAUGHNESSY reminded the noble Lord and the Committee that the magistrates in Ireland never granted a licence to a man to open a public-house on an agricultural holding. Therefore there was no fear of that difficulty arising; but there was this peculiarity about the Amendment—that the proposed words were not limited at all to anything the tenant might do with reference to the holding. They were very broad—

> "Anything which may be or which may become a nuisance or annoyance to the landlord."

They did not limit this to the *corpus* of the holding; and a man might suffer a forfeiture if he took to cursing, or smoking bad tobacco, if that was disliked by the landlord.

Amendment *negatived.*

Mr. W. HOLMS said, it appeared to him that the sub-section, as it stood, was likely to lead to misunderstanding between the landlord and tenant. He apprehended that the object of the sub-section was to define what were the rights of the landlord as to certain things he wished to do, and in order to effect that he proposed to leave out the words "the tenant shall not persistently refuse to allow;" and, if that were carried, then he would move to insert, after the word "thereby," the words "the landlord shall have the right to enter upon the holding." To avoid misunderstanding, the position of the landlord and the tenant should be as clearly defined as possible.

Amendment proposed, in page 4, line 34, leave out from "the," to "allow," both inclusive.—(*Mr. W. Holms.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he did not think it desirable that, if the landlord desired to exercise his rights, the tenant should have the dangerous power of refusing to allow him to do so. The idea, as the clause stood, was that whilst the tenant had a legal right to object, he was not to use that legal right. The hon. Gentleman's Amendment was a better plan. It was conceived in a proper spirit, but it did not come very happily in this place. It would come better where the things which the landlord might do were stated. It could then be discussed separately.

Mr. W. HOLMS: You propose to remove the whole clause?

The ATTORNEY GENERAL for IRELAND (Mr. Law): Yes.

Mr. GIBSON suggested that the matter should be allowed to stand over for Report, and that the Government should deal with it themselves. The clause required consideration also on another point. In all Mr. Butt's Bills, which introduced statutory tenancies, words were inserted declaring that such tenancies should be deemed to contain the reservation to the landlord of all royalties, mines, minerals, &c. That was the intention of the Government, and he thought it would be better to make that perfectly clear. The Amendment would lead to confusion if it was taken out of its order.

Mr. R. H. PAGET thought that if words were to be inserted specifying the rights of the landlord in this particular sense, they would require very careful consideration lest they should not contain all the rights intended to be included. He wished to ask the Attorney General for Ireland whether it was clear that when a landlord let a holding he had the right to impose conditions of his own in the contract of tenancy outside and beyond those contained in this clause?

The ATTORNEY GENERAL for IRELAND (Mr. Law) replied that the landlord could, of course, let land on other conditions than those in the clause, provided they were not inconsistent.

Mr. R. H. PAGET understood that during the statutory term there might be other conditions than those expressed in the clause, although it was only the conditions therein expressed which would justify the termination of the holding.

Mr. GIBSON said, as he understood, the Government intended to propose some words in Clause 13 which would enable the Court to mitigate the possibilities of forfeiture. It would be too serious a thing to say that all the things which a tenant might do should not involve a forfeiture. The Committee had rejected the Amendment of the hon. and learned Member for Launceston (Sir Hardinge Giffard), saying that the tenant should not do any of these things; but it would be unwise to say that under those circumstances should the doing of these things be a matter of forfeiture. The matter had better stand over for Report.

MR. T. COLLINS suggested that the hon. Member should withdraw his Amendment and bring it up again in its proper place. He thought, however, it would be better to discuss the question in Committee than on Report.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) proposed that sub-section 3 should come in the place of this sub-section.

LORD RANDOLPH CHURCHILL inquired whether the Committee had decided to omit these words, in order to insert them in some other place?

MR. LITTON could not support the suggestion to withdraw the entire sub-section. He could quite understand the suggestion of the Attorney General for Ireland that these conditions would come better at the end of sub-section 4; but the withdrawal of the entire sub-section would imply that the spirit of the Amendment was accepted, and then, if the matter were taken on Report, the opportunity of discussing it would be very much restricted. Lower down there were some important Amendments with regard to timber and sporting, which would then have to be relegated to the Report stage, and that would be very inconvenient.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, his proposal was to strike out the sub-section at this place and move it again, not on Report, but in Committee.

SIR GEORGE CAMPBELL said, he thought it would be better for the Government to undertake this matter.

MR. PLUNKET said, he hoped the right hon. and learned Gentleman would not press his proposal to strike out the sub-section. This sub-section stated conditions, the breach of which would form matter of forfeiture, and, as he understood, the intention of the hon. Member (Mr. W. Holms) was that the landlord's rights should be so defined that there could be no doubt about them; but he did not appear to suggest that if those rights were violated that should involve forfeiture. Then the Attorney General said there was a mistake, and he proposed to strike out the section altogether at this point; but unless the principle was to be given up entirely this was the proper place for the section, and he thought the best plan would be to proceed to consider the other parts of the clause, and afterwards, if the Government thought fit, to make any alteration that could be made on Report.

MR. W. HOLMS said, that what he understood from the Attorney General was that the sub-section should be transposed to another part, and he would withdraw his Amendment and bring it up later, if that was the proper course.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he thought there was some misapprehension on the part of the right hon. and learned Gentleman (Mr. Gibson), who wanted something more than a mere condition, and was not satisfied with a reservation of the landlord's rights. It obviously would not be consistent with the framework of the clause to insert here a declaration of the landlord's rights in the middle of the clause. But if the 3rd sub-section was left out here, it could be re-introduced at the end of the clause.

MR. GIBSON pointed out that the hon. Member clearly wanted to assert here the distinct right of the landlord to do certain things, and he suggested that it would be better to let the existing sub-section stand, to provide that the tenant should permit the landlord to exercise his rights; and then, after line 11, they could bring in a clear statement asserting what the landlord's rights were. Here they were dealing with the obligation on the tenant to permit the landlord to exercise his rights, which must remain in the Bill, and might remain here as in the proper place; and the Amendment, which he thought quite reasonable, would contain a statement that these things which the landlord might do had been clearly preserved in the statutory tenancy.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he thought it would be more convenient first to reserve the rights, and then have a provision preventing the tenant from interfering with them.

Mr. CHAPLIN suggested that greater progress would be made by going straight on with the Bill as drawn by the Government.

Mr. R. H. PAGET said, he hoped the suggestion of the Prime Minister would be accepted. When the clause was brought up again there would be two distinct points—one, a breach of conditions, which would involve forfeiture; the other, a declaration of the landlord's rights.

The CHAIRMAN: As I understand the proposal before the Committee, it is that for the present we strike out this sub-section, which is necessary, but which we cannot postpone technically, and at the end of Section 5 re-introduce it and consider the Amendments.

Mr. ONSLOW inquired whether, if the sub-section was omitted, the Prime Minister intended to put in any other rights of the landlord than those in the paragraph now under consideration? If there was to be a new clause specifying all the landlord's rights he could see no end to the discussion.

Mr. GLADSTONE: All that we ask is to postpone the sub-section.

Mr. WARTON said, he was anxious that the Committee should clearly know to what they were agreeing, and he thought it his duty to point out what he understood to be the result of such a transposition. This clause, down to line 11, was framed on the assumption that there were a certain number of statutory conditions which, if broken, were to be the subject-matter of forfeiture. But he failed to see how the clause could possibly run if they omitted this 3rd sub-section now, and then, after line 11, indulge in an abstract declaration of the landlord's rights, and restore the 3rd sub-section. That would completely break the framework of the Bill.

Amendment, by leave, *withdrawn.*

Question proposed, "That the words from 'the,' in line 34, to the word 'landlord,' in page 35, line 4, stand part of the Clause."

Colonel BARNE pointed out that to put sub-section 3 in after sub-section 5 would make perfect nonsense of the clause; because sub-sections 4 and 5 had nothing to do with the reasons for which a tenant was to forfeit his holding.

Mr. LEAMY understood that the Question before the Committee was that the sub-section should stand part of the Bill.

The CHAIRMAN: That is a mistake. If this part of the section is omitted at present, the Government have undertaken to bring it up after Section 5, and consider it with all the Amendments as it stands on the Paper. That I understand to be the proposal.

Mr. PARNELL rose to a point of Order, and asked whether, if these words were negatived in the first part of the clause, they could be again brought up and inserted at a subsequent portion of the clause? It appeared to him that if the Committee had negatived the words as part of the clause they could not reintroduce them.

The CHAIRMAN: The question is really practically the same. The Committee desire to postpone the section and introduce it in another part of the clause. Therefore, although it is an inconvenient proceeding, and one which can only be adopted under exceptional circumstances, it is within the power of the Committee to take that course. In fact, it has already been done in an earlier part of this Bill.

Sir R. ASSHETON CROSS suggested that the whole of the Amendments should be dropped here and allowed to re-appear in another place.

Mr. TOTTENHAM asked whether, if the proposition was negatived, it would be competent to take the Amendment in the same form again?

Lord RANDOLPH CHURCHILL asked if it was to be understood that this course could be pursued by the Committee because it was proposed by the Government; but if it had been proposed by a private Member it could not be adopted. The proceeding was distinctly in Order or it was not, and he observed that the Chairman had said that it was an inconvenient course, which, however, might be adopted under the exceptional circumstances.

The CHAIRMAN: As I understand it, the Government intend to propose the sub-section in another part, and with a different arrangement; and if that is the meaning of the Government they are in Order. It might be better, in order to explain such a proceeding, which is not uncommon, for the Chairman to put the Question "that these words be here omitted," instead of negatived; but that form of putting the Question has never been used.

Lord RANDOLPH CHURCHILL pointed out that, in answer to a question by himself, the Prime Minister had stated that the clause would be brought up again in the same form. If words were omitted now, how could it be in Order to move that they stand part of the clause in a subsequent part of the Bill?

Mr. W. HOLMS understood that although sub-section 3 was to be postponed until after line 11 had been disposed of, he would be allowed again to bring forward his Amendment. He withdrew the Amendment now, for the convenience of the Committee, on that understanding.

Mr. GLADSTONE: The question is one for the Committee; and, therefore, the noble Lord misunderstands the position. There is no privilege. The difficulty simply arises in this way. What is wanted is a transposition of a certain portion of the clause in order that it may be brought up as a matter of convenience in another part of the Bill. The power of the Committee apparently does not extend to postponing part of the clause. If we could do that it would be another matter; but we have no power to do that, and the only way is to strike out the words where they now stand, and then to re-propose them. Then I am asked if we will re-propose them in the same form. We do not wish to bind ourselves absolutely on that point.

Lord RANDOLPH CHURCHILL said, it was perfectly clear from the remarks of the Prime Minister, and from the ruling of the Chair, that the course the Government proposed would not be in Order, because the Chairman had distinctly said that the Government intended to bring the clause up in another and a different sense; and he (Lord Randolph Churchill) contended, therefore, that the proposed course would not be in Order.

Mr. LITTON said, if the identical words could be brought up again the Committee would be called upon to restore to this clause the words which they had decided should not be in the same clause. If the Government brought up different words, and altered the language of the sub-section, what would then become of the Amendments now on the Paper?

Mr. TOTTENHAM urged that on so important a question the Committee should not come to a decision without understanding in what shape the sub-section would be brought forward again. If the Question put from the Chair was negatived, would it be competent for the Government or any hon. Member to bring up the sub-section in the same words?

Mr. W. H. SMITH thought a great deal of time would be saved if the Committee proceeded with the section as it stood, and leave the particular Amendments for Report. That would not, in the slightest degree, alter the structure of the sub-section.

Mr. MITCHELL HENRY asked whether it was not the rule that a clause if postponed could not be brought up again until the end of the Bill?

Mr. GORST said, if the Chairman's ruling was correct, the Committee would have no power to transpose one part of the clause. It would have been decided that the words stand part of the clause in that place, and that decision could not be reversed.

Mr. A. J. BALFOUR thought the suggestion of his hon. and learned Friend who had just sat down a great deal more clear than that of the Government; and he believed it was wholly impossible to re-introduce the same clause, or to introduce words which were substantially the same.

Mr. GLADSTONE said, the only way to try the question was whether the words should stand part of the clause. It did not signify whether it was a question of one word, or three words, or 30 words.

The CHAIRMAN: I want to explain exactly what I understand to be the difficulty. If these words be now struck out, and brought in in another part of the clause, that will remove ambiguities which attach to them. There is nothing new in this proposal, for exactly the same thing was done in a previous part of the Bill by transposing a line, while the proposal transposes a section.

Mr. HEALY asked whether all the Amendments put down would re-appear on the Paper?

Lord RANDOLPH CHURCHILL understood that the Chairman ruled that the words should be left out here, because they were ambiguous. It appeared to him that they would be ambiguous if stuck in after line 11. The question had nothing to do with the ambiguity or non-ambiguity of the words, but whether there was any precedent for such a proceeding.

MR. W. HOLMS suggested that his Amendment should be withdrawn in favour of the proposal of the Attorney General to transpose sub-section 3 to line 11.

MR. A. M. SULLIVAN thought it preposterous that when once a phrase had been negatived in a particular part of a Bill it must never re-appear.

MR. CHAPLIN wished for a distinct statement from the Government as to whether they would undertake to re-introduce the same words at the end of the sub-section. Many Members attached great importance to this sub-section.

MR. GLADSTONE replied, that the difficulty in giving a literal answer was that a double character was to be given to this enactment, and he wished to reserve a consideration of the section before bringing it up again.

SIR R. ASSHETON CROSS asked whether all the subjects at present mentioned in the sub-section would re-appear?

MR. GLADSTONE: Yes.

MR. BIGGAR thought the proposal of the Government unreasonable, pointing out the inconvenience of Amendments which were now in their proper place being postponed to a place where they would not fit into the sub-section. He suggested going on with the sub-section as it stood, allowing the Amendments to be moved in their proper order.

MR. MACARTNEY suggested that the difficulty might be met by a declaration of the landlord's rights being introduced on Report at the beginning of Clause 4, and that the Committee should go on with Clause 4 as it stood now.

Question put, and *agreed to.*

MR. BIGGAR moved to leave out the words "his landlord," in line 5, sub-section 4, and insert the words "the Court." It was, he said, obviously undesirable that the landlord should have the right to come in, and to have the power of extorting a fine when the tenant found it desirable to sub-let or sub-divide his holding. He was not in favour of sub-letting except in exceptional cases; but he did not think the landlord should have the right to interfere with sub-division, further than to appear in Court and state his objections.

Amendment proposed, in page 5, line 5, leave out "his landlord," and insert "the Court."—(*Mr. Biggar.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GLADSTONE said, that Amendment had practically been decided when it was said that there should not be sub-division without the decision of the Court.

MR. HEALY pointed to the probability that a landlord might pretend to refuse to allow sub-division, although he would be glad to see sub-division if he was paid for it, and so he would practically impose a fine on the tenant. The decision should be in the hands of the Court and not the landlord.

MR. BIGGAR thought the right hon. Gentleman (Mr. Gladstone) was wrong in saying that a decision had been come to on this point on a former part of the Bill. This was a new clause, and he urged the Government to accept the Amendment.

MR. ARTHUR ARNOLD said, that the hon. and learned Member for Dundalk (Mr. Charles Russell), who had a similar Amendment on the Paper, had left that Amendment in his hands; but had said he did not feel he could move it, because the point had been already decided.

MR. MARUM asked the Attorney General for Ireland whether his attention had been directed to the 9th section of the Land Act of 1870, which would, on assignment or bankruptcy, deprive the tenant of his right to compensation for disturbance?

MR. LEAMY referred to the same section of the Act of 1870, and mentioned that by that Bill a tenant could not recover compensation for disturbance if he sub-let or sub-divided without the consent of the landlord.

Amendment *negatived.*

MR. WARTON moved to insert the words "in writing" at the end of line 5, sub-section 4, and said, it seemed to him very important that the consent of the landlord should be given in writing, because disputes might arise and lead to long litigation. This proviso was inserted in many leases, and it would frequently prevent strife.

Amendment proposed, in page 5, line 5, after the word "landlord," to insert the words "in writing."—(*Mr. Warton.*)

Question proposed, "That those words be there inserted."

MR. E. STANHOPE considered the Amendment very desirable, in order to prevent disputes as to the consent of the landlord having been given; and he should, therefore, support the Amendment.

MR. BIGGAR hoped the Government would not agree to the Amendment. It might be a plausible Amendment, but it should not be accepted, because, if the matter came to be one of evidence, and the Court was not satisfied with the evidence, then there would be room for controversy.

MR. BRODRICK pointed out that although the consent of the landlord might be given at the beginning of a 15 years' term, at the end of the term some dispute might arise upon which, without this Amendment, there would be no documentary evidence. He hoped the Amendment would be agreed to.

Question put.

The Committee *divided*:—Ayes 81; Noes 217: Majority 136.—(Div. List, No. 261.)

And it being ten minutes before Seven of the clock, the Chairman reported Progress; Committee to sit again upon *Thursday*.

The House suspended its Sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at ten minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 22nd June, 1881.

MINUTES.]—SELECT COMMITTEE—Artizans' and Labourers' Dwellings, Mr. Brand *discharged*, Mr. John Holland *added.*

PUBLIC BILLS—*Ordered*—*First Reading*—Metallic Mines (Gunpowder) * [196].

Second Reading—Capital Punishment (Abolition) [27], *negatived*; Distress for Rent * [74], *debate adjourned*; Parliamentary Registration * [165].

Committee—Coroners (Ireland) (*re-comm.*) * [187]—R.P.

Committee—*Report*—Copyhold Enfranchisement * [117-195].

Considered as amended—Tramways Orders Confirmation (No. 1) * [167]; Tramways Orders Confirmation (No. 2) * [168].

QUESTIONS.

RELIEF OF DISTRESS (IRELAND) ACT, 1880—FISHERY PIERS AND HARBOURS.

MR. ARTHUR O'CONNOR asked the Secretary to the Treasury, with reference to Return "Piers and Harbours." No 244 of the present Session, Why none of the works to be executed by the Board of Works in Ireland, out of the sum of £45,000 voted by Parliament last Session, for the erection of Piers and Harbours under "The Relief of Distress (Ireland) Act, 1880," were commenced before the 27th of August last year, the majority of them not until the months of October, November, and December, and some of them not till the month of March this year, although the money so voted was intended to relieve the distress of last year in scheduled districts by the employment of the people, such employment being most urgently required; and, if he will take steps to urge the Board of Works to expedite the completion of those works?

LORD FREDERICK CAVENDISH: Sir, the Government were most anxious last year that the works referred to by the hon. Member should be put in hand with as little delay as possible. The task was not as easy a one as it might seem at first sight. In addition to the various provisions of the Fishery Piers and Harbours Act which cause delay, such as the section providing for preliminary surveys and inquiries, a Report to the Treasury, the publication of notices, and security for the due maintenance of the pier when completed, there was the difficulty of selecting a limited number out of a very large number of applications for grants. That selection had to be made not simply on the ground of greatest benefit to the fisheries, but also for the purposes of relief of distress. Plans and estimates of the cost of the several works among which the choice had to be made had also to be prepared. For the purpose of diminishing, as far as possible, these obstacles to the immediate procedure, a Committee, consisting of Members of the Fishery Commissioners, the Local Government Board, and the Board of Public Works, was appointed. When I add that, after the various steps which I have mentioned had been completed, tenders had still to be obtained, I do not think that the delay complained of by the hon. Member is, in most cases, surprising, though I join with him in regretting it. In certain particular cases there have been additional causes of delay, some of which I stated in reply to a Question from the hon. Member a few days ago.

PARLIAMENT—PRIVILEGE—THE RIGHT OF PETITION — THE TELEGRAPH CLERKS.

Mr. O'DONNELL rose to ask the opinion of Mr. Speaker as to a Motion he proposed to make on a point of Privilege arising out of a Minute containing a Report recently issued by the Treasury, affecting the telegraphists and postal clerks. He said the question affected one of the most important Privileges of the House, which had been violated by an eminent Member of the Government. The fundamental privilege of the House was its right to be freely approached by all classes of Her Majesty's subjects when petitioning for the redress of grievances; and so deeply was that principle involved in the Constitution that it was an established maxim that the redress of grievances must even precede Supply. In former times the House had even gone so far as to say that a petitioner arrested under formal process must be released from prison in order that he might attend the House and make his appeal. Such a case was reported in *Hatsell* as occurring in 1624. In that year one Arnold, a feltmaker, came to the House to prepare a Bill affecting feltmakers, and it was ordered by the House that the feltmakers then imprisoned in the Fleet should be allowed the Privilege of the House in order that they should have full opportunity of stating their grievances. He hoped the matter of which he had to complain would be satisfactorily explained away by the Government, and that they would take the proper steps to deprive their act of the appearance of being a precedent which might in future prevent the free approach of all classes of petitioners to that House.

Mr. SPEAKER: The hon. Member appears to me now to be going into the merits of the question which he desires to bring before the House. I have to inform the hon. Member that I have carefully examined the Treasury Minute to which he has called my attention, and to which his proposed Motion refers. Should the hon. Member think fit, upon Constitutional or other grounds, to bring that Minute under the notice of the House, it will be open to him to do so by Motion in the usual manner; but there are no grounds whatever for giving precedence to a Motion of that character as a question of Privilege. I, therefore, could not allow the hon. Member, without instructions from the House, to proceed to-day with such a Motion as a matter of Privilege.

Mr. O'DONNELL: I, of course, accept your ruling, Sir. The point on which I was about to ask your formal decision was as to the Treasury Minute at page 9 of the Report, with special reference to the sentences—

> "In the first place, the Lords of the Treasury are not prepared to acquiesce in any organized agitation which openly seeks to bring any voting power to bear upon the House of Commons."

The next sentence of which I complain is—

> "My Lords, therefore, reserve to themselves the power of directing that the execution of the terms referred to may be suspended in any post office in which the members are known to be engaged in any extra-official agitation."

My contention to you for permission to bring in a Motion is founded on those two sentences—that they constitute a threat to refuse redress of grievances to any member of the Post Office Department who shall engage in an agitation having for its object the redress of their grievances by the House of Commons. If you rule that that interference with the action of the telegraph clerks in consulting the House of Commons for the redress of grievances is not a breach of Privilege, I shall take the earliest opportunity of bringing in a formal Motion condemning the action of the Government in interfering with the rights of the telegraph clerks, and seeking to limit the powers of this House for redressing the grievances of any class of Her Majesty's subjects.

MR. SPEAKER: I may say that the hon. Member was good enough to call my attention to the passages which he has read from the Treasury Minute, and, of course, I have paid particular attention to those passages; but they are not such as to cause me to alter the opinion which I have expressed to the House.

ORDERS OF THE DAY.

CAPITAL PUNISHMENT (ABOLITION) BILL.—[BILL 27.]

(*Mr. J. W. Pease, Mr. Joseph Cowen, Mr. O'Shaughnessy, Dr. Cameron.*)

SECOND READING.

Order for Second Reading read.

MR. J. W. PEASE, in moving that the Bill be now read a second time, said, that he must, at the outset, express his most grateful thanks to the noble Earl the Secretary of State for Foreign Affairs, and to his hon. Friend the Under Secretary of State (Sir Charles W. Dilke), for the pains which they had taken in obtaining the facts as to the state of the law and the recent statistics from foreign countries. He hoped for a substantial majority in favour of the measure; but, in any event, those who had paid attention to the subject would see it had made a large and considerable advance during the last few years. One point had been conceded from all quarters, and by both Parties in the House—namely, that the present position of our laws with respect to homicidal crime was most unsatisfactory; in no other country in the civilized world were the laws relating to capital punishment so backward and so unsatisfactory as our own. In 1864 a Royal Commission was appointed to inquire into the question, and that Commission consisted of Noblemen and Gentlemen in whose judgment on the subject the House had every reason to confide. Although the Members of the Commission were not united upon the question of capital punishment, he was informed that one-half of them were in favour of the abolition of capital punishment. But they were agreed that the crime of murder should be divided into two degrees, and they also desired the attention of the Government to other very important points, such as appeals in criminal cases, the exercise of the Royal Prerogative, and the nature and degree of insanity which was held to relieve an accused person from all responsibility. And yet those points had been left exactly where they were 16 years ago. They also reported that the evidence showed a strong desire on the part of many persons to abolish capital punishment; but the only point of the Report which had received attention was that of the execution of the culprit within the walls of the prison. If it was admitted that the present state of the law was unsatisfactory, the next obvious conclusion was that it was high time that it was altered. His (Mr. Pease's) duty was to show that the division of murder into two degrees would hardly be worth attention, and human life would be as safe if capital punishment were abolished as it would if capital punishment were reserved only for murders of the first degree. Moralists defined the great objects of all punishment to be restitution, deterrence, and punishment. The question of restitution was too complicated a one to be practical at the present moment; but that of deterrence had a very important bearing on the subject before the House. Therefore, in reference to that question, it would be well to lay down the lines on which their judgments should be based, especially on the questions of deterrents and of punishments. In the words of Earl Russell, which he had quoted before in years past, he would admit that under certain circumstances and certain conditions of society they might find it necessary to take human life. He would venture to quote Filangieri's *Science of Legislation*—

> "Laws can have no other object in the punishment of crime, than to prevent the vicious

from committing new attacks on society, and to remove from others a disposition to follow their example by the influence of their punishment. If by light penalties the laws could reach this result, they would never enact severe punishments. It would be preferable to enact those laws which less afflict the guilty, which create the greatest horror of crime, and most deter those who are disposed to commit it. In a word, the legislation ought not to go beyond the severity in punishment which is necessary to repress the vicious intentions which result in crime."

But he maintained that capital punishment did not deter those criminally disposed from committing the crime of murder. For his part, he preferred those penalties which, while less affecting the guilty, excited the greatest horror of crime and tended most to deter those who were criminally disposed. In approaching the question of capital punishment they were met at the outset by a very important consideration. Ought a fallible tribunal to inflict a sentence it could not recall? He would here again quote from the Report of the Portuguese Committee of Legislation on the subject. It was as follows:—

> "Before all things, and above all things, punishment ought to be reparable, seeing that absolute infallibility cannot be predicated as a quality inherent to human nature. The Judge may err, and does err; the jury may err, and do err; evidence may err, and does err; and it would be quite enough that there should only be liability to err, for it to be never right to condemn anyone to the punishment of death—that is, to a punishment that is completely irreparable. The legal murder of the innocent has been many times repeated. Sovereign equity and infinite impeccability are not essential inborn qualities in any human tribunal."

Therefore, it could never be right to condemn a man to a punishment that was irrevocable. He would also quote the words of Oscar II., King of Sweden, who, when asked to release a life-prisoner for murder, said—

> "I know the case. I will not release him—but neither will I lay my hand on God's gift of life to him."

If they looked at the question of the law, it was really appalling to see the number of people who were innocent of the crimes for which they were tried, but who had suffered the extreme penalty. In the evidence given before the Royal Commission the late Chief Baron Kelly stated that between the years 1802 and 1840 there were as many as 22 persons sentenced to death who were afterwards proved to have been innocent of the crimes for which they were sentenced. There were numbers of such cases, and only the other day there was the case of Habron, at Manchester, who was sentenced to death but not hanged, the sentence being commuted to penal servitude for life for a murder of which he was afterwards found not to have been guilty. It was subsequently shown that the murder for which Habron was sentenced was committed by the murderer Peace; and he believed his right hon. and learned Friend the Secretary of State for the Home Department (Sir William Harcourt) was the means of giving compensation to the man for the term of imprisonment he suffered. During the present year the Secretary of State for the Home Department had to order the liberation of two men who had been proved to be innocent of crimes of which they had been convicted. These were not capital cases. There was a still more remarkable case at Liverpool in 1877, tried by Mr. Justice Hawkins, in which two men, named Jackson and Greenwood, were sentenced to 10 years' penal servitude, and on that occasion the learned Judge expressed his approval of the verdict. The men, however, received a free pardon when it was afterwards proved that they had not been guilty of the crime. In addition to those cases there must of necessity have been others where the men who suffered were probably innocent; and if it had not been for the exercise of the discretion invested in the Home Office the list would have been very largely swelled. Another argument in favour of the abolition of capital punishment was one on which some stress had been laid—namely, that in hanging a man it destroyed every chance of getting a clue to evidence by which large masses of crime might be detected, for in his grave there was often buried evidence useful to society as regarded the prevention of further crime. He had been struck in going through criminal statistics with the extreme youth of many of the men who had been tried and found guilty of murder. Between 1878 and 1881 he had made notes of no fewer than eight cases in which the average age of the persons was only 22 years. They were as follows:—

	AGE.
Harry Rowles, Oxford, 1 April, 1878..	26
John Briggs, Leicester, 18 July, 1879..	18
Patrick Kearns, Liverpool, 13 Feb., 1880..	21

W. Wright, Chelmsford, 4 Nov., 1880..23
W. Brownless, Durham, 15 Nov., 1880..22
Joseph Waller, Maidstone, Nov., 1880..24
Albert Robinson, Derby, 28 Feb., 1881..20
Arthur Watson, Manchester, May, 1881..27

He also thought that the manner of carrying out capital punishment was a question at which they must look. First of all, there was the question of the exclusion of reporters from executions within the walls of the prisons, as to which he sympathized with the right hon. Gentleman the late Secretary of State for the Home Department (Sir R. Assheton Cross), who had evidently had great difficulty on this subject. In the case of Cassidy, at Manchester, the right hon. Gentleman, on the one hand, declined to step out of his way in order to compel the Governor of the gaol to allow the newspaper reporters to witness the scene, and thereby circulate those sensational reports in the newspapers, which, in his opinion, did a great deal of harm; but, at the same time, on the other hand, he felt the difficulty of sentences being carried out, as it were, in a closed place or room, to which the public had no access whatever. Then, again, they were frequently attended with horrible and revolting circumstances, of which he would give the following instances, which he had abstracted from the public papers:—

"Mathew Atkinson, pitman, hung at Durham, 15th March, 1865. In a drunken fit murdered his wife. Tried before Mellor. The Chaplain states that from the hour of his sentence to his death he diligently applied himself to a preparation for the life to come. Took leave of the Under Sheriff, Chaplain, and Governor; confessed his crime; declared his hope of eternal life through the mercy of his Redeemer. The executioner proceeded with his work. When the drop fell there was a rattle, a crash, a horrible thud, the criminal had disappeared, and from the gallows was seen the broken end of a rope dangling in the wind. The half-strangled man, conscious of all that had taken place, was below the drop bound hand-and-foot, his jaw horribly wrenched. Twenty-four minutes elapsed before the re-adjustments were made. The hangman was greeted with curses and execrations from the crowd. The only unmoved man was the poor criminal. He asked that the pinioning of his arms might be removed higher that he might clasp his hands in the attitude of devotion; this was complied with. The second hanging was successful."

"Brownless, executed at Durham, November 15, 1880. Here a delay, very slight, but awful to witness, took place. The lever which has to be drawn in order to let fall the drop proved stiff, and Marwood could not draw it; at length, with the assistance of a warder, it was moved. The drop was 8 feet 6 inches, being as much as the depth of the pit would allow. On looking down into the pit where the body hung we observed that the feet were within half-an-inch of the ground, the rope, which was about an inch and a-half thick, was imbedded over head in the neck, and blood was slowly trickling down the breast."

"September, 1873.—Conor, at Liverpool. The rope broke or slipped. The man exclaimed—'What did they call this? Did they call this murder?'"

"1877.—Johnson, at Leeds, by Askern. Rope broke."

Even when matters proceeded smoothly it was difficult to conceive that anything could be more horrible for the prison authorities themselves and the Sheriff who had to attend than to be in the small enclosed space of the court or room with the man who was to be executed, and see the sentence of the law carried out. At Bristol, on one occasion, the condemned man had to be supported by two warders, and had to be given something to drink on the scaffold, otherwise he would have collapsed. These were things that would have affected and appalled the civilized world if they happened at St. Petersburg. This had happened several times in England, and these barbarisms were inherent to the system of a barbarous punishment, and could not be swept away so long as they chose to inflict the punishment. Then there was the revolting circumstance of pregnant women being carefully nursed in prison until the time had come when, after having given birth to a child, which was handed over to some benevolent lady, or, perhaps, to the parish authorities, they could be handed over to the hangman. [Sir WILLIAM HARCOURT: No, no!] He (Mr. Pease) could say that he remembered such a case occurring in the county of Durham—of a woman who had been nursed through her illness, and eventually executed. [Sir WILLIAM HARCOURT: In what year?] He had not the date with him; but he thought it was in 1866. However, as he had said, he perfectly well remembered the case, and the fact of a benevolent Peeress offering to take over the custody of the child. [Sir WILLIAM HARCOURT dissented.] Well, if he had made any mistake he would freely apologize; but he did not think so; and even if it had not been as he had stated, the law provided that it was possible, and surely it was high time that the law was altered. A large number of those who were hanged had, no doubt, committed the crimes for which they were punished while insane; and he would remind the House that a large number of them did not belong to the depraved or criminal classes of the community. The whole subject of capital punishment was affected by the question of insanity. Between madness and badness the distinction was difficult, and it was not easy to say where the line should be drawn. Notwithstanding the large number of murder cases in which insanity was recognized, it was scarcely probable that lunatics should not occasionally be executed. He would read the following notes of various cases:—

HUNG.

"Charles O'Donnell, November 24, 1876; after marriage in an asylum. Insanity in his family."

HUNG.

"1876.—Marks.—Schoolmaster said he was peculiar; his neighbours thought him mad; his employer thought him mad; known as 'mad' Marks."

REPRIEVED.

"1877.—Treadaway. — Justice Lush called attention to his state of mind: Judge told him that he agreed with jury—'In that verdict I entirely concur.' Lush afterwards agreed with Cross."

HUNG.

"1878.—Rowles, Oxford.—Gave himself up to police. As a child, wayward and wilful; as a man, conduct strange; attempted suicide after apprenticeship; Dr. Tuke called him insane; fit at police station; Judge read a letter which showed a wandering mind if not written for a purpose; jury advised mercy on account of provocation; said Devil tempted him. Kissed the rope."

BROADMOOR.

"1879.—John Briggs, Leicester; 18 years old. Jury recommended him to mercy on account of his youth (not insanity). The defence set up was insanity."

Mr. J. B. Thompson, Surgeon-General of the Prison for Scotland at Perth, writing in 1870, speaking of convicts generally, said that out of 5,432 prisoners no less than 673 were placed on his register as requiring treatment for mental condition, or 1 in 8. As to private executions, although he fully admitted they were much better than public executions, they were anything but a corroboration of the doctrine that men were hung in order to deter others from the crime of murder. If hanging was a great moral lesson to be taught to the people, was it to be so taught by having a small audience present? It was difficult to believe that a great moral lesson could be inculcated when the public saw nothing and, when reporters were excluded, were told nothing of what went on inside the prison walls. Public executions, on the other hand, had ends of their own, and so had sentimental descriptions of executions in the newspapers. The only logical course open to them, therefore, was to abolish executions altogether. The hon. and learned Gentleman the ex-Attorney General (Sir John Holker) pointed out, in a former discussion, that it was necessary to have gradations of punishment. No doubt that was so; but the argument against capital punishment remained unaffected; and he would at once admit that he should have entirely failed in his case if he could not prove that there was, or that there might be, a punishment equally deterrent of crime as that of hanging. In fact, the Government had provided a graduated scale of punishment for other crimes, and there would be no difficulty in doing so for persons convicted of homicidal crimes. He contended that all the statistics before them clearly proved that capital punishment was not a deterrent of murder. There were only 10 persons at present undergoing penal servitude for life, and it would be perfectly possible—once hanging was abolished—to establish a satisfactory scale of punishment. The States of the American Union, which had abolished capital punishment, had successfully met the difficulty, and recognized two degrees of murder. As to the non-deterrent character of hanging, he could quote important evidence in his favour from the Royal Commission; but had they not experience of their own that capital punishment, as administered in this country, was no deterrent? In the 20 years between 1861 and 1880 there were 504 people convicted and sentenced to death in this country; but of these 228, or 46 per cent, were reprieved. The average number convicted was 25 a-year; the highest number was 34 in 1876, and the lowest 13 in 1871. In 1862 there were 28 convicted of murder, and in 1880, singularly enough, the number of convictions was the same, so that practically, with a large increase in the population, it might be said that, at the end of the 20 years, criminal homicide stood in very much the same position as it was at the beginning. The average of executions was 13·8 per annum for that period, the highest number being 22 in 1877, and the lowest only 4 in 1871; in 1862, 16 were hanged, and in 1880, 13. That showed, in his opinion, that with practically no increase in the number of executions there was no corresponding increase in the number of murders. For other crimes except murder the number of committals in which there were convictions was 76 per cent, but for murder only 49 per cent, of which 46 per cent were reprieved. Looking at the figures which had been placed before them in the many Returns to the House, no reasonable man could deny that the present law, as now carried out, never was a deterrent of capital crime. To make the law really deterrent they should make conviction secure, and determine that the punishment awarded should follow; but the practice in this country failed in those important elements—convictions were not secured, and the punishment was not carried out. Juries would do all they could to relieve themselves from giving a verdict of murder. In the debate of 1877, his right hon. and learned Friend (Sir William Harcourt) had well summed up this argument—

> "If the punishment did not prevent men from stealing horses, why was it more likely to prevent them committing murder? Murder was generally committed under the influence of violent passion; and if it was found that the punishment of death did not deter in the case of crimes which were committed in cold blood, was it possible, was it reasonable, to suppose that it would act as a greater deterrent in the case of murder."—[3 *Hansard*, ccxxxiv. 1713.]

But by far the strongest evidence which he could bring before the House against the maintenance of the death penalty was furnished by the Returns produced by the Foreign Office, giving the experience of those countries where it was little resorted to. There were those countries which still upheld capital punishment, those who had practically abolished it, and those who, having abolished it, had returned to it. In the North American Union, in nearly all the States, murder had been divided into two degrees, and in two of the States they had gone so far as to decide that no execution should take place until the sentence had been in the hands of the Governor for 12 months, and then not without a distinct order from the Governor. In Russia there had not been any capital punishment, except for political offences, since the day of the Empress Catherine; but he did not quote Russia, as a country in which 5,000 men and 9,337 women and children were banished in one year could afford to England no possible standard. France, Austria, Spain, and Hungary had abolished capital punishment to a greater extent than we had tried it. In France, in 10 years up to 1878, only 93 were executed out of 1,241 condemned, or only 9 annually, whereas the English proportion would have been 68 annually, or 680 in the 10 years. In Spain, in 10 years, 291 were sentenced, and 126 were executed, which was still under the English proportion. In Austria, out of 816 cases in the 10 years, 16 were executed, or 1·6 per annum; whilst the English proportion would have been 448 in 10 years, or 48 a-year instead of 1.6; so that capital punishment was almost abandoned. It was found, in Austria, that the largest number of executions in one year—namely, 4 in 1875, was followed in the following year by the largest number of homicidal crimes recorded—namely, 124. In Denmark, capital punishment had not been inflicted more than once or twice since 1863. Between 1866 and 1877, 120 persons were sentenced to death, but only one was executed; and this remission of capital sentences had not been followed by any increase of homicidal crime. With regard to the other countries—in Bavaria only 7 executions took place in 10 years, and in Sweden and Norway executions were practically abolished by Royal mandate. The most striking was the Kingdom of Prussia, which had practically abolished capital punishment, and the only person executed in that country in recent years was Hödel, who was convicted of an attempt on the life of the Emperor. With regard to Belgium the average of convicted persons was 32·9 for murder, and His Majesty declined to give his signature to any death warrant. In Portugal, Roumania, and the Kingdom of the Netherlands they had abolished capital punishment. As regarded the latter Kingdom, the statistics were remarkable. In the nine years preceding the abolition, 78 persons were condemned to death, an average of 8·6 per annum. In the nine years following the year during which the abolition became law.

the condemned for the same crime amounted to only 47, or an average of 5·2 a-year. It had been also done away with in the States of Wisconsin, Michigan, Maine, and Rhode Island. There had been no increase of homicidal crime in these States, and the people considered themselves as secure as ever they were. A great deal had been said in the newspapers about the fact that Switzerland, after having abolished capital punishments, had returned to them again. In point of fact, however, in 1848 the Constitution abolished capital punishment for political crimes, and retained it for homicidal crimes. The new Constitution in 1874 abolished capital punishment in all the cantons; but in 1875 five of the cantons desired to reinstate the punishment, and some time after that a vote was taken, when it was decided to go back to the original state of the law by a majority of 19,000 out of 382,000 who voted on the question; but no execution had taken place since the law was altered. The new law came into force in 1879, and four out of the 29 cantons only had altered the law in favour of capital punishment, and no execution had taken place under that altered condition. There were five more cantons which seemed likely to alter the law; but still there were 16 which showed no sign of change. The average number of executions in England was only 13 per annum. Parliament and public opinion were both in favour of giving power to Judges and juries to distinguish between murders of the first and of the second class. If this power was given there would probably only be six or seven executions a-year, so that his proposed alteration of the law only had reference to six or seven criminals every year. That number was so small that he thought the House would see that it was not worth while to keep the rope and the hangman in order that he might hang six or seven persons a-year. Since the beginning of the present century our system of treating criminals had been greatly improved. He would ask permission to read one more extract. It was from the journal of Mr. Stephen Grellet, a distinguished prison philanthropist, who visited the prisons of Europe in the early part of the present century. Speaking of the women's prison in Newgate, he says—

"The gaoler endeavoured to prevent my going there, representing them as so unruly and desperate that they would surely do me some mischief; he had endeavoured in vain to reduce them to order, and said he could not be responsible for what they might do to me, concluding that the very least I might expect was to have my clothes torn off. When I came to the small yard, the only accommodation for about 400 to 500 women, I found there some who immediately recognized me as having seen me in the Compters', and who appeared much pleased at my now coming here. They told me that no preparation had been made to receive me, but that they would immediately do what they could towards it. Owing to the darkness of the morning the prisoners had been unusually late in getting up, and many of them had not yet risen. They occupied two long rooms, where they slept in three tiers, some on the floor, and two tiers, and hammocks over one another. When I first entered the foulness of the air was almost insupportable, and everything that is base and depraved so strongly depicted on the faces of the women who stood crowded before me with looks of effrontery, boldness, and wantonnesss of expression, that, for awhile, my soul was greatly dismayed. I inquired of them if there were any other female prisoners in the place, and was told that several sick ones were upstairs. On going up, I was astonished beyond description at the mass of woe and misery I beheld. I found many very sick lying on the bare floor, or on some old straw, having very scanty covering over them though it was quite cold; and there were several children, born in prison, among them, almost naked."

Contrast the Newgate of 1812 with the order, decency, and classification of the Newgate of 1881. He would ask the House to take one more step in Criminal Law Reform, one without danger to the community, one which might even add to its safety; a step based on the satisfactory experience of other countries; a step which would do away with the horrors and dangers which must ever attend the carrying out of a death law, and a punishment which had ceased to be in accordance with the spirit of the age in which we lived, and which was contrary to the spirit of that Christianity in which he trusted most hon. Members of the House believed. It was for those reasons that he would conclude by moving the second reading of the Bill.

Mr. R. N. FOWLER said, that having supported the Bill years ago, when it was brought in by his lamented Friend the late Member for Northampton (Mr. Gilpin), he desired to say a few words in favour of it on the present occasion. He had heard with some surprise the statement of his hon. Friend opposite (Mr. Pease) that the Press was excluded from executions, and that the admission of reporters rested with the Home Office. He (Mr. R. N. Fowler) happened to hold the office of Sheriff of London and Middlesex, and in that capacity it was his duty to be present at the execution of two men in Newgate in December last. He was told that the admission of reporters rested with the Sheriff, and he gave directions that orders for admission should be sent to all daily papers published in London, though only three availed themselves of them. In his opinion, the Press should always be admitted to executions. If executions were to go on at all, they should not be conducted in a hole-and-corner fashion, and the public ought always to be represented by the reporters. The present state of the law was extremely unsatisfactory, and the Secretary of State for the Home Department had a very difficult task to perform in regard to persons convicted of murder and left for execution. He (Mr. R. N. Fowler) was sitting at the Old Bailey in 1879, when an American sailor was tried for murder. This man had come ashore, after being paid off, with a considerable sum of money in his pocket. He met a prostitute, who made him very drunk, and got all his money away from him. The man, under the influence of anger, stabbed the woman. There was no doubt about the offence; but the question was whether it was murder or manslaughter. The jury, without any recommendation to mercy, found the prisoner guilty of murder, and he was executed. That seemed to him to be a case in which the Prerogative of the Crown might have been with advantage exercised, although, having formerly said in that House that he thought such questions should be left to the unfettered judgment of the Home Secretary, he did not like to say anything on the occasion. Representations were, however, made by the American Consul to his right hon. Friend the then Secretary of State for the Home Department (Sir R. Assheton Cross); but the right hon. Gentleman did not think proper to interfere. He (Mr. R. N. Fowler) mentioned that as a case which showed how difficult it was to discriminate in cases that were left for execution by the Judges. He did not believe that the infliction of the death punishment in that particular case did the smallest good. They imposed a very difficult task on the Judges and the Secretary of State for the Home Department by leaving it to them to decide whether the extreme penalty of the law should be carried out. He thought the time had come when in this country, at least, some other penalty might be substituted for the death punishment. There were countries, such as Sicily, where society was so organized that the extreme penalty might with advantage be retained. These were the countries in which the capital punishment was rarest, and yet where murder was most common; but in England the punishment of imprisonment might with advantage be substituted. In conclusion, the hon Member said he had great pleasure in seconding the Motion for the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. J. W. Pease.*)

MR. CROPPER thought his hon. Friend the Member for South Durham (Mr. J. W. Pease) had, by his facts and arguments, exhaustively proved his case. There was, however, one argument which his hon. Friend had left out. It seemed to him (Mr. Cropper) that when the sentence of death was carried into execution they often punished rather for the results of the crime than for the crime itself. The crime was often greatest in cases where there was no fatal result; and they often waited, for instance, to see whether a crime was murder or a savage assault. If the person who had been attacked chanced to recover, if he were in the hands of a successful doctor, or had special strength of constitution, the offence did not amount to murder, and yet the crime must have been the same on the part of the criminal. In such a case a man ought to be punished for his crime and not for its results. He would admit that the sentence of 20 years' penal servitude was as sad a one as that of death; but contended that in a civilized and Christian community like their own it was well gradually to do away with extraordinary occasions for exercising the extreme punishment of death by inflicting in its place the penalty of a long sentence of imprisonment.

MR. WARTON said, the hon. Member who moved the second reading of the Bill (Mr. J. W. Pease) had mixed up with the dry question of capital punishment a number of other considerations not at all applicable to it. He

(Mr. Warton) did not think this was a question as to the first or second degree of murder. He did not say how far such a classification would be right or wrong; but he thought the necessity for such a classification arose, to a great extent, from the circumstance that the Judges had explained away the old words "malice aforethought." They had also laid down the principle that all cases of homicide were *primâ facie* murder. Of course, it was impossible to dispute that Judge-made law, because it had been laid down so long; but he might observe that it was in conflict with the grander maxim of our law as to the presumption of innocence. Neither did he care for the trifling arguments that had been urged about statistics and expediency, or as to whether the punishment was deterrent. The question they had to deal with on the present occasion was whether it was right or wrong for the State to take human life under any circumstances. Dismissing all the petty considerations to which he had referred, at the present moment there were only three crimes punishable by death—namely, high treason, murder, and burning of the Queen's ships. Practically, therefore, this question was narrowed to the infliction of death for murder. The hon. Gentleman opposite ought to be met in the same serious spirit in which he had argued the matter. An appeal had been made to Christianity, and he (Mr. Warton) trusted they were all Christians; but it should be remembered that there had been three religious dispensations in this world, and that the contrast was not always between Christianity and the Judaic law. There was a time of great importance in the history of the human race when all the inhabitants of this world had been destroyed by the Flood except the chosen few in the Ark. A principle was then laid down which was far wider than any Judaic law. When the human race was starting again, so to speak, from Noah, God laid down the great principle—"Whoso sheddeth man's blood, by man shall his blood be shed." Men affected to be wiser than God, their Maker, who laid down that principle. For his own part, he was content with the Divine notion of human justice, as it was shown in these words at that most important crisis in the history of our race. He did not care to argue this question from statistics, as he rested his case on the Divine command, which was older than Christianity. God was acquainted with the human heart, and He knew by what means men were deterred from crime. He witnessed a public execution some years ago, and he believed the thousands who were present were really horrified by what they saw. If the punishment of death were abolished, a burglar who was surprised in the act of committing a burglary might, in order to effect his escape, be tempted to commit the additional crime of murder, thereby putting, it might be, the only evidence of his guilt out of the way; whereas, at present, he was deterred from doing so by the fear of being hanged. They were told that penal servitude for life was equally deterrent. If so, how did it happen that men convicted of murder were very anxious to receive that punishment instead of death, and that their friends besieged the Home Office, and did all they could to get the capital punishment commuted? The one punishment was intolerable, because it ended hope; the other was endurable, because it admitted hope. Moreover, the promoters of the Bill had forgotten to consider the case of warders and others in charge of prisons. If capital punishment were abolished, what additional punishment could be inflicted on a murderer who killed his warder? A murderer might kill 100 warders with impunity, for he would know he could not be subjected to any further punishment, because the penalty of death had been abolished from sentimental considerations. In their interests, then, the death penalty should not be abolished, for they would be exposed to constant danger in the event of such a step being taken.

Mr. ANDERSON said, that he had heard without any surprise the speech just made by the hon. and learned Member for Bridport (Mr. Warton). It was not surprising that he should go back to the time of Noah and the Ark, because he was really such an antediluvian Conservative in all things. He was, however, surprised that the hon. and learned Member should bring forward the Divine command which he had quoted as an ordinance binding in all future time, and one binding in particular on Christians, for that was not a very strong argument. Christians, for the most part, he (Mr. Anderson) thought, believed that their milder creed was intended to supersede that more ancient one. At all events, they had no proof that that command was intended to last in perpetuity. It might be a very suitable thing for the earlier state of their civilization to have a cruel ordinance of the kind, but yet be very unsuitable to the state of civilization they had now arrived at. The only other argument the hon. and learned Member had adduced was as regards the warders. He had asked for a solution of the question of what was to be done with a man who, having been imprisoned for life for murder, and having no fear of capital punishment, killed his warder. On that subject he (Mr. Anderson) might mention the case of Rhode Island, which had abolished the capital punishment in 1852, but had re-established it 20 years after to the very limited extent of inflicting it on murderers who, while undergoing life imprisonment, murdered their keepers. The law in Rhode Island, therefore, was to carry out the death punishment not for one murder, but for two. That was some answer to the question of the hon. and learned Member. If it were absolutely necessary to meet the case referred to, the example of Rhode Island exactly did so. When the Returns mentioned by his hon. Friend (Mr. J. W. Pease) were produced to the House, he (Mr. Anderson) must say he rose from the perusal of them with the very painful conviction that among all civilized nations—that was, nations who enjoyed European civilization—this country was the least merciful to its prisoners. The strange fact was that those countries that had been most merciful had not shown any desire to go back in their legislation, and had not found that murders increased under such legislation. In Denmark, in 10 years there had been 107 prosecutions for murder, 92 convictions, 21 death sentences, but only one execution. As regarded Germany, Lord Odo Russell had written to say that there had been only one execution there in 10 years. In Sweden there had been only three executed in 10 years, because the King disliked capital punishment; and as for Belgium, the King absolutely would not sign a death warrant at all, and, therefore, there had not been a single execution in that country since he came to the Throne. It was quite true that the United States did retain capital punishment to a large extent; but they had a distinction, which we had not, of the different degrees of murder; and it appeared to him that that was a reform in their Criminal Law which they were at least ripe for, if they were not prepared to go to the full length which his hon. Friend proposed. He thought it would be worth while for the Government to pass a short Act to establish that distinction, without waiting for the codification of their Criminal Law, which was a great work, and could not be done quickly. It might be said that although they passed death sentences they did not carry them out; it was left to the Secretary of State for the Home Department to decide whether they would be carried out or not. That was, to his mind, an intensely unsatisfactory mode of dealing with the question, and he was very sure it must be as unsatisfactory to any right hon. Gentleman who had to do it. He remembered that a few years ago there were two persons lying in Glasgow prison both under sentence of death at the same time. One of them the general public believed to be absolutely guilty of murder; the other was a boy whom the general public believed to be guilty of nothing more than manslaughter. Yet, strange to say, the man got a reprieve, whom everyone believed to be guilty; while the poor boy, whom everyone believed to be comparatively innocent, was hanged. That was what happened under this unsatisfactory system of leaving it to the unfortunate Secretary of State to decide in these matters. Everybody believed that a great mistake had been made in the matter, and it might happen to occur again. As to the question of hanging being a deterrent from crime, he found that the accounts from some of the States where they had imprisonment for life really gave a most dreadful description of the effects of the latter punishment. There was no doubt that if it was given to a criminal to decide whether he would have the death sentence or imprisonment for life, he would choose the imprisonment, because life was sweet; but he believed that, in not a few cases, the prisoner would afterwards say that he had made a mistake. In the State of Wisconsin, in which the system of life imprisonment had prevailed since 1853, they spoke of the indescribable horrors and agony incident to the punishment, and that past experience told them that of all the young men in prison, one-half would be insane in 10 years, and the whole of them would be insane in less than 20 years. If that was really a necessary result of imprisonment for life, it was a far more terrible punishment than the capital penalty. So great a punishment was it found to be that in some of the States they had changed it for long, but definite, terms of imprisonment; and in some States, such as Iowa and Illinois, they had gone further, and said that it was necessary to provide some relief, even to long definite terms, by giving to the prisoner whose conduct for one year was thoroughly good, one month's mitigation, for two years' good conduct, two months' mitigation, and so on, so that for six years' good conduct he got 21 months' mitigation, and for every subsequent good year he got no less than six months struck off his term. That showed that in these States the people felt the necessity of giving some small glimmering of hope even to the worst of their criminals. He entirely gave his support to the Bill. He thought they had arrived at a time when they ought, if not to take the lead of civilized nations, not to be so thoroughly behind them as they now were in the treatment of their criminal classes. He believed that to modify their punishment in that way would have a wholesome effect on their juries. There would be a certainty of conviction in cases of murder that did not exist at present, from the unwillingness of juries to convict, and that certainty would be the best deterrent against crime.

Sir HENRY HOLLAND said, he had not had the advantage of hearing the whole speech of the hon. Member who moved the second reading of the Bill (Mr. J. W. Pease), though he had heard sufficient to enable him to testify to the great ability of that speech; but the speech of the hon. Member for the City of London (Mr. R. N. Fowler), who seconded the Motion, pointed much more strongly to an alteration of the Criminal Law than to the abolition of this capital punishment. Now, upon that point he (Sir Henry Holland) entertained a very strong opinion. He thought that an alteration of the law of murder should be made at the earliest opportunity, and before any alteration of punishment. The degrees of murder should be carefully defined and a clear line drawn between murder and manslaughter. The capital punishment should only be attached to the first or highest degree of murder; and if this were done there would be no difficulty, even if there were now—which, however, he was not prepared to admit—in obtaining proper convictions. The hon. Member for Glasgow (Mr. Anderson) spoke of this as an increasing difficulty; but he (Sir Henry Holland), from his own observation, could not agree in that opinion. He believed juries, as a general rule, did their duties in these cases honestly and conscientiously. But if death was only inflicted in cases of first degree of murder public opinion would not be offended, and the punishment would be approved. But there was another point to be considered before capital punishment was abolished which he (Sir Henry Holland) ventured to think had not been sufficiently brought before the House. If death sentences were abolished the whole existing scale of punishments must be revised and modified. Murder, as the gravest offence, must receive the heaviest punishment. If the punishment of death was abolished, the only punishment that remained for murder was penal servitude for life. Now, if a man forged a will he was liable to that punishment. Would it be just and reasonable that he should suffer the same penalty as a murderer? There were also many other offences, far short of murder, to which the punishment oi penal servitude for life was attached; and therefore, unless the whole scale of punishments was re-modelled, public opinion would not be satisfied. The question had been, and always would be, raised, whether the punishment of death was deterrent. He (Sir Henry Holland) could not bring himself to believe that it was not deterrent. It might not be so in cases where acts of violence were committed in the heat of sudden passion or violent jealousy; but he believed that it might prevent a burglar, for example, from committing a murder to prevent detection. Again, what protection would there be for prison officers if this extreme penalty were abolished? A man was condemned to penal servitude for life; what should hinder him from murdering a warder if no greater punishment could be inflicted on him for that offence? The hon. Member for Glasgow referred, on this point, to the legislation of Rhode Island, by which death was inflicted for the murder by a prisoner of a prison officer, although, in all other cases, the capital sentence had been abolished. But did not that fact show that death was deterrent? Why should such a law have been passed, except on the assumption—a very reasonable one — that the fear of death would prevent, and would alone prevent, the commission of these prison offences? The hon. Member for Glasgow argued that imprisonment for life was more deterrent than death, and he cited the case of some Wisconsin prisons, in which prisoners became insane in 10 years. He did not state whether the horrors of this case arose from the condition of the prisons, or the treatment of the prisoners, or from the effects of solitary confinement. But he (Sir Henry Holland) could not accept that case, or the case of any foreign prisons, as proving the hon. Member's opinion to hold good in this country. Here solitary confinement only lasted for nine months, and for the rest of the term of imprisonment the convict worked in the company of other prisoners. Here, again, the cells, the food, the treatment generally of prisoners had been greatly improved; and, lastly, no convict really suffered penal servitude for life. As the House was well aware, where a man had been sentenced to penal servitude for life, his case was brought up before the Secretary of State for the Home Department after 20 years, and, in the great majority of cases, the prisoner was then released. There was, he believed, no instance of a life sentence being really worked out. In all these points, then, their prison system differed from the system adopted in some of the American States; and even admitting—which he was not prepared to do—that in the United States men would be found to prefer death to imprisonment, he did not believe that there were any such in this country. He would not now dwell upon what he considered a collateral question, though one of very great importance, whether the appeal to the Secretary of State against sentences of death should be continued. Successive Secretaries of State had expressed their dislike of the very grave and responsible—as well as painful—duties thus forced upon them; and he hoped, that either by the establishment of a Court of Appeal, or of some other tribunal, they might be relieved of that work. Moreover, however well they performed it, the result was not satisfactory to the public, who could not be made aware of the additional evidence and facts which were brought before the Secretary of State and influenced his decision. Upon the whole, he thought that an alteration of the Criminal Code should precede any alteration in punishments of the great importance proposed by this Bill; and he would not, therefore, give support to the second reading.

Mr. MELLOR said, he heartily agreed with those who thought that the law with regard to murder was most unsatisfactory. It included not only murder proper, or murder committed with malice aforethought, but all sorts of constructive murder; and, if it were not that Judges and juries had very much alleviated the severity of the law, they would have had a great deal of injustice perpetrated. He would have found it far more easy to bring his mind to bear on the question before the House if they had got before them the Revised Criminal Code, because then the various classes of constructive murder would have been done away with. At the same time, he must say he should experience much difficulty in supporting the Bill, for he felt that it was not easy to come to a full determination upon the whole question. If, in the future, persons were to be convicted of constructive murder, there would be a great deal to be said for the Bill; but, applying the best judgment he could to the matter, he thought there were classes of crime for which they must keep the punishment of death. For murder by poison, which was a peculiarly cruel and wicked crime, and for murder by explosions, in which the lives of unoffending persons were sacrificed, it was too early to say that the punishment of death ought to be abolished. Then, again, there was great difference between the legal and medical definition of insanity, and much difficulty arose from that fact in criminal cases; and he would be glad to see in the revision of our Criminal Code whether some better definition of insanity could not be given. The duty which devolved upon the Secretary of State for the Home Department also was even more embarrassing than that which devolved upon either the Judge or the jury, as he had, under circumstances of great difficulty, to inquire and then judge for himself, without the opportunity or power of cross-examining witnesses, and so ascertaining the truth; at the same time, they must not forget that if there was an appeal on questions of fact to a Criminal Court of Appeal, even then it would be necessary to preserve this jurisdiction of the Home Secretary. In all cases he must be the last resort; fresh evidence might be discovered, or other circumstances brought to his knowledge after the determination of the appeal by the Court. In former days burglary was invariably punished by death, and the result was that the burglar tried to kill all who might give evidence of his crime. He had heard from high authorities that since the law with regard to burglary was altered, it had been found that this crime was committed with less sacrifice of human life. If that were so, it would be very difficult to say that the punishment of death ought to be swept away where people were killed in the night time and when taken at a disadvantage. These were some of the considerations which influenced his mind on this question. He was bound to say that he had great hesitation in deciding what course he should take on the subject, which was a most difficult one; but having had some experience of the working of the law he had come to the conclusion that he could not, at present at least, support the second reading of the Bill.

Mr. FIRTH said, he was glad the House was not to be led away with the suggestion of the hon. and learned Member for Bridport (Mr. Warton) in regard to the Scriptural bearing of the question. He (Mr. Firth) supposed that when the revised edition of the Old Testament was before them it would be found that in the text—"Whoso sheddeth man's blood by man shall his blood be shed," the words "by man" would be eliminated; and, therefore, the argument founded on this passage, and which had done very great service in the past, would entirely be lost. The two objects for which capital punishment was retained were the security of human life, and its deterrent effect on criminals. As to the first point, they could not judge of the question from the experience of their own country; but they were justified in testing the question by the analogy of other nations, and their experience had shown that the abolition of capital punishment had not resulted in adding anything to the security of human life. They could also test the question by historical analogy in this country. There were many classes of cases for which capital punishment had been abolished, and in regard to which it was prophesied that great danger would result from the abolition; but it had not been found, in fact, that greater insecurity to life had resulted. With respect to the deterrents to the criminal, it seemed to him, on the other hand, that the most terrible punishments that had been inflicted for offences had not proved a deterrent to the commission of those offences, and that the present law was an absolute encouragement to the criminal, and this would be found in the uncertainty of the punishment to be inflicted. The hon. Member for South Durham (Mr. J. W. Pease) had correctly stated that 76 per cent of ordinary committals ended in convictions; but that in cases of committals for murder the percentage was only 49. It was estimated that out of every 49, 14 were insane; therefore, out of every 1,000 persons committed, only 490 were convicted, and of this number 140 were held to be insane; this left 350, 154 of whom had their sentences commuted. The figure was thus reduced to 196, so that only 20 per cent of the people committed for murder were executed. That was the strongest possible evidence that capital punishment was a direct encouragement to the criminal, so far as the present state of the law was concerned. The Petition of the Bankers, presented in 1830, stated that the infliction of capital punishment for forgery encouraged the commission of the crime, because juries would not convict while the death penalty was attached to it. It seemed to him that the continuance of the present law was so serious a matter that it ought not to be maintained longer. It often led to what might be called "pious perjuries" of juries, who refused to convict lest the death punishment should follow. He quite agreed with his hon. and learned Friend who had just sat down (Mr. Mellor) that the state of the present law of murder was very unsatisfactory; and he believed there was a great deal of force in the suggestion which had been made, and with which he entirely agreed, that the murders should be classified. That would be a step in the right direction. In most cases of murder the evidence was circumstantial, and though there might be an apparent truthfulness in the proof, the prisoner might be entirely innocent. In such a state of things there was great danger in retaining an irrevocable punishment whereby it might be possible to hang a man who was entirely innocent of the offence with which he was charged. Further than that, he would be very glad to see a life penalty substituted for capital punishment. These were some of the grounds on which he hoped that capital punishment might be abolished, and, on the present occasion, he would be glad if the House would come to that decision, and that the rubrics of blood might be ended so far as England was concerned. From the experience of that and other countries, the result of the adoption of such a course would be to add to the security of human life in this country, and to maintain a stronger deterrent to the commission of offences in the future, and bring their law into a more complete harmony with the age in which they lived.

SIR EARDLEY WILMOT said, he had heard the able and interesting speech of his hon. Friend the Member for South Durham (Mr. J. W. Pease) with much pleasure, and he thanked him for the references he had made to the various attempts which had been made to reform the Criminal Law in which he (Sir Eardley Wilmot) himself had taken part. Anyone who witnessed the prolonged sufferings in foreign prisons of convicts sentenced for life could not say much as to the humanity of criminal jurisprudence abroad, as compared with the severity of our own law. Severe, however, as was punishment in our own country, its severity had been greatly modified during the last half-century. The question which the House now had to look at was not the question of severity, but the deterrent effect of the punishment. There had been no more eminent law reformer than the late Sir Robert Peel; the valuable reforms he had introduced into the Criminal Law ought never to be forgotten. He (Sir Eardley Wilmot) had himself introduced measures in 1875 with the object of removing some of the anomalies and defects in our Penal Law; and also, subsequently, he had brought in a Bill embodying the unanimous recommendations of the Committee presided over by the Duke of Richmond, especially as to the necessity of classification of the crime of murder; but he did not meet from law reformers that amount of support he had expected. The Bill came on for second reading, but was "talked out" at a Wednesday Sitting. Next year he altered the character of the Bill, providing that there should be no conviction for murder, unless it was proved that there was a distinct design and purpose aforethought to take away the life of the man killed; but again it met a similar fate. Then came his Resolution, in 1877, that the state of the law as regarded homicide was unsatisfactory and required amendment; to which his hon. Friend the Member for South Durham moved an Amendment that capital punishment ought to be abolished. Both the Resolution and Amendment shared the same fate. He (Sir Eardley Wilmot) wished to see the law altered as regarded constructive murder, where a man, while in the commission of an illegal act, killed another man whom he had no intention to kill. He also wished to see the law in regard to infanticide very much altered, for he could not see what use there was in pronouncing the death penalty upon an unhappy woman, when everyone in Court knew that it would not be carried out. At present juries frequently found concealment of birth, where the case was clearly one of murder, according to the evidence. In regard to the penalty itself, however, after listening to the arguments of his hon. Friend, he could not conscientiously agree with him that the time had arrived when they could safely abolish capital punishment. He well remembered a case where, 30 years ago, a poor lad was executed at Winchester for a crime of which he was innocent, because the Secretary of State for the Home Department was at Balmoral when the chaplain of the gaol had hurried to London to relate the confession, made to him two nights before the execution, by one of the men who was to be executed with him, and who had compelled the boy, on threat of death, to take part in the murder on board the ship where it occurred, Ever since that time he (Sir Eardley Wilmot) had come to the conclusion that there ought to be some responsible tribunal to which all such cases might be referred as to a Court of Criminal Appeal. With regard to the Secretary of State, no one could perform his delicate and onerous duties in the revision of sentences in a better spirit than his right hon. and learned Friend; but, after all, he was a political and not a judicial functionary, and, therefore, not qualified to revise sentences; and, therefore, he (Sir Eardley Wilmot) had uniformly advocated the establishment of a Court of the kind he had referred to, in which the Secretary of State for the Home Department might be assisted by others of ability and experience. Nobody, he believed, would be more grateful for the establishment of such a Court than his right hon. and learned Friend himself. As regarded the main question, he hoped to live to see capital punishment abolished; but he was unable conscientiously to say that the time had arrived when that desirable alteration of the law could be made with due regard to the sanctity of human life and the safety of society.

Mr. HOPWOOD said, he was entirely in favour of considerable amendments in the law regarding murder. A Court of Appeal would also be an excellent thing, and he hoped to hear it discussed upon some future occasion; but the main question now was whether the punishment of death was so deterrent as to outweigh its other disadvantages. He would admit that the question was a difficult one; but the conclusion he had come to was that the punishment of death should be abolished. The punishment was inflicted for one of two reasons, either to requite those who had been guilty of causing death, or as a vengeance for the offence. There were some persons who argued that although, as a rule, capital punishment should be abolished, yet some forms of murder were so atrocious that it should be reserved for them. In that case the punishment was a system of vengeance. As the punishment was inflicted at the present time, they had the humiliating spectacle—certainly it was not an improving spectacle—of a poor wretch led out pinioned within a courtyard of a prison, in the presence of a few men brought together to watch the execution of the law. That was intended to be an example to all people who might be inclined to disregard the sacredness of life; but it was said that the punishment deterred and frightened. If it frightened, it had better have been kept before the world. But it was now confessed that it did not frighten; and it was for that, among the other reasons, that it was executed in private. From the statistics read to-day it was perfectly plain to his mind that capital punishment did not deter. That was the conviction brought home to his mind, and he hoped, also, to that of many other hon. Members as well. Having said that much, he called upon the other side to get rid of the onus of showing that that punishment, so evidently barbarous in itself, must be maintained in the interests of human society, because, if they did not go that length, their case would fall. Although they had antiquity on their side, the barbarous nature of the punishment remained, and they must feel that it was one that ought to be got rid of, if it possibly could be, for the safety of society. They had antiquity on their side, no doubt; but there was the example of other countries which, though they did not abolish it absolutely, they abolished it practically. He hoped that by the debate which had taken place that day they would further strengthen what he knew were the wishes of each of the Secretaries of State with whom he had had any intercourse. They had no Court of Appeal to go to; but there was the Secretary of State for the Home Department, and he was always trammelled by the judgment of a Judge and the decision of a jury. With regard to the judgment of a jury, he (Mr. Hopwood) might say this—that there had been a growing tendency by Judges to induce juries to come to verdicts in cases of murder by a process which was an invasion of the prerogative of a jury, they having been forced up to this point—"I tell you in point of law so and so." "I tell you the legal effect is so and so;" and—"Now, I tell you, you will be false to your oaths if you do not do so and so." Now he (Mr. Hopwood) always told juries—"It is your prerogative to say murder or manslaughter." It concerned us all that the punishment of death should not depend on whether a Secretary of State happened to be merciful or what was called firm, but on the view which the Legislature took of the continuance of the law. An objection that ought to be fatal to capital punishment was its irrevocability. It was common knowledge that the innocence of persons executed for murder had been frequently established; but the punishment had been inflicted and it was irrevocable. They all knew, too, that as soon as a sentence of murder was pronounced hundreds of persons, urged by various motives, would take up the cause of the prisoner, some by a nervous feeling of doubt as to the evidence, and do their utmost to save his life. He had himself been called upon more than once to appeal to the Secretary of State with that view. The matter spread, and numbers were kept in a state of suspense when the Secretary of State's opinion was sought, and that was kept frequently till within a day or two of the time appointed for carrying out the sentence and the erection of the scaffold. Surely that had a depraving and injurious effect. When, however, as sometimes happened, the sentence was carried out on an innocent person, the due and proper administration of the law suffered from the effect produced by the deep sense of the injustice of the infliction. That was a thing that was very much to be deplored, and could not be obviated in the case of this punishment. He cordially supported the Motion for the second reading of the Bill.

MR. T. P. O'CONNOR, in supporting the second reading of the Bill, said, that he had been present at several trials for murder, and his experience, and he thought the experience of everyone—Judge and jury, counsel for the prosecution and counsel for the defence, as well as nearly all the witnesses, including those persons whose relative had been murdered—was that a sort of sacred conspiracy was entered into for the purpose of finding out some means of escape for the accused. It had been demonstrated by several writers of authority that the most natural conclusion was that the deterrent effect of punishment on the human heart would be in exact proportion to its extremeness or severity. Nothing had been very conclusively proved that the horrible nature of the punishment had led to any diminution, but rather to the increase of a horrible crime. The punishment of death might be described as swift, horrible, and dramatic, and that of penal servitude for life as squalid, prolonged, and monotonous. The latter punishment, therefore, in his mind, was far more deterrent than the one which was swift in operation, and had something dramatic about it when being carried out, which often acted as an incentive to crime in morbid and sensitive minds. It this country people with great self-complacency contrasted the criminal procedure in England most favourably with that which prevailed in other countries, and he thought they did so with much injustice. The French system was far better than the English, because they could not judge of the criminality of the offence unless they knew something of the antecedents of the person by whom the crime had been committed. But, harsh as the law was there, it was nothing in point of severity to the law in Ireland. There was actually in existence in Ireland a Whiteboy Act under which the penalty of death could be inflicted upon any 12 persons who met contrary to a proclamation of the Lord Lieutenant, and he was not sure that the present Government were not taking advantage of the provisions of such Acts in their dealings with the Irish people. His objection to capital punishment was that, in the true sense of the word, it was an outrage upon the sanctity of human life.

MR. ARTHUR ELLIOT, in opposing the Bill, said, that whenever a man was sentenced to death, however great the crime might be, he thought it happened that some sort of agitation was got up to get the man off from the penalty which he had incurred. He knew how common it was for those who had been sitting in Court, and who had only half attended to the evidence, to say—"Here is a very hard case;" and a petition was got up and hawked about for signatures, asking the sentence to be commuted, in cases which were rightly and properly decided. There were considerable stir and trouble made, and the Home Office was asked to interfere, when really nothing of the kind was necessary. The system of appeal to the Secretary of State for the Home Department was chiefly unsatisfactory in consequence of the secrecy with which it was carried out. He hoped in time to see, whatever investigation was instituted, that that investigation was made public. The prerogative of the Secretary of State could only be on the side of mercy; and, therefore, he did not think that the argument that the Secretary of State was an unsatisfactory Judge was a real one. With regard to political criminals, it was shown that the death sentence was carried out in a large proportion of the worst class of murder—namely, 196 out of 1,000—and though juries were naturally unwilling to convict, yet, when a case was fully made out, they generally acted up to their responsibility. There was, no doubt, something about the punishment of death which had this characteristic—that it was impossible to discover a mistake after the sentence had been carried out. What they ought to do was to take all possible measures to secure themselves against mistakes; but do not let them abolish capital punishment, because where a great mistake had been committed in one case it was impossible to put it right again. The hon. Member opposite (Mr. T. P. O'Connor) had referred to the sanctity of human life. He (Mr. Elliot) thought that by inflicting a very severe punishment upon a man who showed no regard for life they thereby increased the respect for life. He did not believe that where the evidence left no doubt as to the guilt of the accused juries were deterred from convicting by any consideration as to the punishment that would follow, and in all cases they acted under a full sense of their great responsibility. Altogether, he considered the arguments of the opponents of capital punishment were not well founded, and he hoped before long a strong effort would be made to pass the Criminal Code, of which so much was expected.

Mr. NEWDEGATE said, that the subject before the House was one, in the discussion of which hon. Members ought to restrain their sympathies and act in a judicial temper. If any feeling existed in the country in favour of the proposal before the House, it was to be attributed to the agitation of a class of persons whom he might describe as "humanitarians." He himself had been subjected to threats by those "humanitarians," because, when in former years, and when this subject was last before the House, in 1872, he had represented to the House that, practically, this experiment had been tried in North Warwickshire in the direction of the proposal of the Bill, and the experiment had signally failed. The sentence of death for murder passed on a man, who in Birmingham deliberately shot his employer, had been commuted in 1867; again, in 1869, a man at Baxterley, near Atherstone, shot his wife, and the sentence of death was commuted; in 1872, a man was convicted of deliberate murder in Coventry; the sentence of death was commuted, and within a few days another murder was committed at no great distance. The "humanitarians" could not bear that statement of plain facts, and so they threatened him with the utmost penalty they could inflict—that was to turn him out of the representation of North Warwickshire. But he told them that threatened men lived long, and he had still the honour of representing North Warwickshire. The last instance he had cited was remarkable—that of the murder in Coventry. Through the interference of the "humanitarians," the worthy Lord Lieutenant of the County of Warwick was induced to procure a remission of the sentence of death. What happened? Why, that within a little more than a week another murder was committed within eight miles of Coventry. This was in 1872. Hon. Members were, he knew, besieged by these "humanitarians." He had given his own experience, and he (Mr. Newdegate) asked whether, in the present state of the United Kingdom, and with recent experience in other parts of the world before the House, the present was a time peculiarly favourable for considering the question of abolishing capital punishment? Capital punishment was supposed not to have existed in Russia until the late Emperor was murdered; but that event seemed to have brought about a change in the administration of the law—perhaps in the law itself—in Russia. Was that an instance in favour of the proposal before the House? A great Empire had striven to maintain exemption from capital punishment; but it had been cured of the idea by the murder of the Emperor, and had been practically compelled to adopt the state of the law which exists in this country. The hon. and learned Member for Stockport (Mr. Hopwood) said that the great objection to the penalty of death was that it was irrevocable; but that, in his (Mr. Newdegate's) opinion, constituted its merit. The injury to the person murdered was irrevocable: was it not then just that the penalty should be irrevocable also? Again, the hon. and learned Member adverted to various instances in which he, as a politician, had been called upon to interfere, and had interfered to procure the commutation of sentences. Did the House wish to establish the principle that the infliction of penalties on crime in this country was to depend on the exercise of political influence? Could there be anything worse or more vicious in principle than that the mitigation of punishment should depend upon the interference of political partizans? It was to guard against this danger that he (Mr. Newdegate), like many others, felt justified in resisting those natural feelings of benevolence and charity, which, he hoped, were as strong in him as in the hon. and learned Member for Stockport. But he (Mr. Newdegate) held that such charity, such excessive sympathy for the criminal, was cruelty to the public in cases of murder. The people of this country were, he thanked God, known throughout the world, not only for their prompt resistance to injury and oppression, but also for their feelings of benevolence, especially towards each other; and if all these reasonings and subtleties which were produced in favour of the abolition of capital punishment were valid, and they were widely circulated, how came it that the English nation, which was so charitable, had retained this irrevocable penalty? It was notorious that those who argued against the continuance of the punishment of death were not only in a minority, but had always been so ever since the Constitutional form of government had existed in this country. Had their countrymen changed? Had the preachers of humanitarianism altered the temper of the people, or clouded their reasoning so far that they no longer believed in the efficacy and justice of capital punishment? It was well known that such was not the fact. Another consideration was—what punishment was to be substituted for death, in the event of this Bill passing? Perpetual imprisonment was suggested; but who believed in the possibility of maintaining that alternative under existing circumstances? There was a time when imprisonment for life was possible; but it was no longer so. It was possible so long as the system of transportation to penal settlements in the Colonies existed; but that existed no longer. The hon. Member for Galway (Mr. T. P. O'Connor) seemed to be in favour of some secondary punishment which, he seemed to think, might be made, as a deterrent from crime, as the punishment of death. The hon. Member was so Irish that nothing English was right, in his opinion. He was a Roman Catholic. There was once a famous tribunal connected with the Roman Catholic Church, which acted upon the principle or the pretence that it would not and did not inflict the penalty of death. The Inquisition substituted secondary punishments for that of death. Were these the secondary punishments which the hon. Member advocated? Let hon. Members read the records of the infamous institution to which he alluded; let them ask themselves whether they were prepared to assimilate the secondary penalties of this country to those to which the Inquisition owed its infamy? And to do that in the cause of humanity and charity! He (Mr. Newdegate) had no love for capital punishment *per se;* but he deemed its infliction to be just—the just requital of an irrevocable crime. He deemed it politic that a few murderers should suffer for the benefit of the vast majority of the people; he believed that the experience of this country, where the administration of the law was by the whole civilized world acknowledged to be eminently charitable and humane, justified the retention of the punishment of death, because without it we could not have mitigated our secondary penalties — could not have maintained the charity and humanity which characterized the Criminal Code of the United Kingdom.

MR. SERJEANT SIMON said, he wished to remind the hon. Member for North Warwickshire (Mr. Newdegate) that there was a time when almost every crime in the Criminal Code was punishable by death; but that, through the exertions of the "humanitarians," that state of things had been altered, and that with the best results. The humanitarians, too, abolished the Slave Trade, and had done many other things which added to the glory of the country, and what they now wished was to afford a man wrongfully convicted an opportunity of proving his innocence. He hoped they would succeed in bringing about the reform for which they were now contending. Allusion had been made to the Scriptural warrant for this punishment. He would rather not enter into that question; but he would remind the hon. and learned Member who brought forward that argument (Mr. Warton) that the same Scriptural authority to which he referred might also be quoted as an authority against capital punishment, because the first murderer was not put to death. In the case of all crimes other than murder where innocence was established after conviction, although the person convicted could not be placed in exactly the same position he had formerly occupied, yet compensation might be given to him, and he had, at least, the consolation of knowing that his character was cleared; but the establishment of innocence in the case of a person executed for murder came too late—the punishment was irrevocable. In order to show the defective state of their Criminal Law he would ask the attention of hon. Members to the case of Edmund Galley, because in that case the stigma of murder had attached to him the greater part of a long life, and it was only removed when Galley was far advanced in years. The question was a practical one. The object of punishment was not retribution, not simply to inflict pain; it was to reform the offender, and to deter others from offending. But they could not reform the criminal whom they had put to death; and he would ask whether the death punishment really acted as a deterrent? Not long ago a man was executed for one of the most cold-blooded murders ever committed in this country, and the very week after they heard of another cold-blooded murder not very far from the place where the other had been committed and the murderer had been executed. He (Mr. Serjeant Simon) had often been struck by the fact—and the experience of their Criminal Courts showed it—that some horrible crime expiated by death was followed soon after by others still more horrible and revolting. Punishment by death, therefore, was not deterrent. There was a great and growing distrust in the rightfulness of the punishment—at all events in its efficacy, and there was an inherent feeling in the human breast which revolted from the taking of the life even of a murderer. He ventured to say that no punishment should be inflicted which was irreversible, if it were discovered that a person had been wrongfully convicted, and the consequences of which could not be removed even in a mitigated form. The efficacy of punishment consisted in its certainty, not in its severity; and from his own experience he knew that juries were unwilling to convict, because they felt they were not infallible, and might be dooming an innocent man to death. He had been engaged professionally in trials in which convictions for murder ought to have been given, and would have been given, had it not been for the consequences which would follow; and there were scores of cases in which, through the intervention of the Home Office, the sentence of death had not been carried out. For these reasons he gave his hearty support to the Bill, believing that the sentence of death did not act as a deterrent. He thought, therefore, that it would be in the interests of society if the punishment of death were removed from the Statute Book. They would have justice administered, sentences carried out with greater certainty, and they would have convictions where they did not now obtain them. He looked to the greater certainty of convictions and of the punishment which would follow the abolition of capital punishment, as a surer deterrent than the punishment of hanging.

Sir WILLIAM HARCOURT said, he was sure that every man in that House would believe that if there was any person who, from his situation, ought to desire that he could come to the conclusion that the principles of the Bill should be affirmed, it was the person who filled the Office he so unworthily held. There was no responsibility more oppressive than that which connected the Secretary of State in any way with the execution of the highest and most terrible penalty of the law. Of course, he stood in a somewhat different position from many hon. Members who had taken part in this debate. Each of them was entitled to take their share in forming public opinion on this matter, and, individually, he sympathized with those who were desirous of persuading the public in its favour; but, on the other hand, he, being in an official position, was not entitled to express a mere individual opinion, but was bound to have regard, in advising those Members of the House who might care at all to pay attention to his advice, as to the course it was expedient to take with reference to the Bill. Of course, those who represented the Executive Government, more especially in the Home Department, were obliged to have regard, not so much to the future of the question as to the present condition in which it stood, and the effect upon the public mind, and the tendency of public opinion with respect to the passing at this moment of a measure of that character. He only said that in order to explain the course he was now taking with reference to his opinions and votes on former occasions, and he was quite sure he would receive the fair and generous consideration of the House in the views he was about to express with respect to the Bill. He hoped he should not say anything at all inconsistent that day with the opinions which individually he had expressed on former occasions. He wanted, first of all, to point out to the House that in reference to the position of the Secretary of State for the Home Department in relation to this question, there had been some error on the part of some hon. Members who had spoken on the subject. They spoke as if the Secretary of State stood in the position of reviewing and reversing the sentence of the Judge and the finding of the jury. Now, that would be a very dangerous error to allow to pass. In this matter the Secretary of State was not a Court of Appeal, either as to the sentence of the Judge or as to the verdict settled by the jury. His province was of a different character. He had to advise the Crown in the exercise of the Prerogative of Mercy; and, therefore, he could never be regarded as a Court of Criminal Appeal. In reference to the observation of the hon. Member for North Warwickshire (Mr. Newdegate)—whom he had to thank for the very kind way in which he had spoken of himself—that he desired to relieve the Secretary of State from the responsibility of advising the Crown to exercise its Prerogative of Mercy, he could not conceive how, by means of any possible alteration of the law or by the establishment of any Court of Criminal Appeal, the Secretary of State could be relieved from that responsibility, a responsibility that must always rest upon him as a last resort. He entirely agreed with those who thought that the present state of their Criminal Law was indefensible, and ought not to be allowed to continue. The mere fact of statistics on the subject was conclusive, he thought, upon the point that it was not, and could not be, desirable that sentences of death should be pronounced in cases in the majority of which it was never intended they should be carried out. That such was the case was in itself a sufficient condemnation of the present law. Matters had certainly greatly improved in this respect during the last half century. Fifty years ago, 1,384 sentences of death were passed in a single year, while only in 74 cases were those sentences carried into effect. That was a state of things which was disgraceful to any system of judicature. By the reforms introduced into their law since that time, however, with which everybody was familiar, that state of things had been happily altered. In the last year there were 28 capital convictions, and there were 13 executions. This fact, considering the population of this country, which had probably doubled since that time, was a condition of things at which he thought everybody must rejoice. There were, however, defects in the present state of the law, which he thought everybody must recognize. First of all, there was one which was technical—he doubted whether it was practical, at all events he did not recollect an instance in which it was brought into operation—whereby it was, no doubt, technically true that if a person committed a murder, not intending to kill, while engaged in a felonious act, he was liable to sentence of death. He, however, could not recollect a case of that kind which had taken place; but still he thought it desirable that such a defect should be removed from our law. Then there was a proposal of the Commission of 1866, by which it was proposed that two categories of murder should be established. It was also proposed that it should be left to the Judge and the jury to determine whether a particular homicide came within the one category or the other; or, what really amounted to the same thing, to have definitions in law that would have placed in what was called the first category murder, in the second manslaughter, and to remove, in point of fact, from the name of murder a great many offences which the law of England now declared to be murder. They had, at present, 20 or 30 persons convicted every year, and not more than half of that number were executed. What was the reason for that? It was because a considerable number of these commuted cases were due to the fact that sentences were passed under circumstances which every Secretary of State and the public at large believed were such that capital punishment ought not to be executed, and it was not executed. Take one category in which, he thought, there had not been an execution now for 30 years. He meant the cases of infanticide by women. These sentences were passed, probably every year, and yet for 30 years no woman had been executed for that offence. It was most undesirable, he thought, to have capital sentences passed in cases where they did not intend to carry out the sentence of death. He observed that in a Criminal Code which was proposed two years ago neither of these two important reforms was suggested. First of all, he did not find that homicide in the commission of a felony had been removed from the category of murder; and secondly, he did not find any provision for establishing what was proposed by the Commission—that was to say, that there should be two categories, one of aggravated murder, and the other which could be defined as murder technically by the present law of England. One remark had been made by the hon. and learned Member for Bridport (Mr. Warton), in which he was very much disposed to concur, and that was that if, in old days, the English Judges had emphasized the words "malice aforethought" more than they did, we would not have required a statute to distinguish between the two categories of murder and manslaughter. But there was, no doubt, a long accumulation of legal decisions where the force of "malice aforethought" had been cut away, so that by the law of England there was technical murder where there was no forethought and no malice, and the malice aforethought was assumed for the act itself. Practically speaking, therefore, if they put the matter as it stood, the function of the Home Office now was very much to create these two categories which the Commission sought to bring about. It really did distinguish between the murders which were those which ought to be treated as murders with "malice aforethought" from those which, according to the recommendation of the Commission, should be put in the second category. He entirely agreed that it was not desirable that this function of deciding the category should be devolved upon the Secretary of State by the law as it was now; and he should be extremely glad if power were given to the Judges and juries to distinguish between these acts of homicide, and determine upon them as to whether they should be the subject of capital punishment or not. That was, to a certain extent, done by the jury at present. The jury had the power to recommend mercy in cases where there was provocation, and which did not, in the law of England, amount to converting the crime of murder into manslaughter. In the practice of the Home Office, where the jury recommended mercy, the capital sentence was never executed; and, in point of fact, they had there the second category of the Commission given effect to. There was the case of difficulty, however, where the jury recommended mercy, and the Judge did not second the recommendation, and in that case it remained for the Secretary of State to form his own judgment on the subject. He must form it on his own responsibility, and with all the assistance he might receive from the sources he could have access to. Another circumstance which induced them to take persons convicted of murder out of the first and put them into the second category was the difficult question of insanity. That, of course, was one of the most painful and difficult matters connected with the question. There were cases, in his experience, where the evidence of insanity was not brought before the Judge and the jury, and that was frequently due to the poverty and want of resources among the class within which the murder was committed. If they had belonged to the wealthy class, they would have had the history of themselves and predecessors examined, and medical testimony adduced; but he need not say that in the Home Office inquiries in this connection were anxiously and carefully, and, on the whole, satisfactorily made. The Secretary of State had the power to send medical men of experience to examine into the condition of the prisoner; and when these medical men reported, as they had done occasionally, that they did not regard the prisoner as responsible for his actions, either at the time of the commission of the offence, or subsequently, the capital sentence was not carried out. One of the circumstances referred to as an argument in favour of the Bill he could not attach the same weight to. The argument had been advanced by his hon. Friend (Mr. Pease) that it was probable that many innocent persons had been executed. His hon. Friend referred to statistics that belonged to an olden time—the time when there were 1,300 capital convictions in the course of a year, and these not all cases of a capital character. Why, of course, the investigations in those cases were much less careful and much less accurate than investigations to-day. Everybody knew that now there were far greater pains taken to investigate and not to pass unjust sentences, unless the evidence was of an overwhelming character. All he could say was that in his official experience, and speaking of the last 20 or 30 years, he doubted very much if any innocent person had been executed. He should not be doing his duty if he did not express his opinion very confidently on that subject. His hon. Friend had also referred to the youth of persons sentenced, and especially to the case of a lad of 20 years of age being sentenced to capital punishment. That was the case. But it was well to remember the circumstances of the case. This youth (Robinson) of 20 beguiled a little girl of 9 years of age into his house, and there was a suspicion that he violated her, and afterwards cut her throat, because the penny with which he had enticed the girl was found in her hand when dead. That was not a case in which they could take into account the youth of the offender. They had to look at the sentiment of the community with reference to the nature of the offence, and he could not conceive an offence which carried with it so completely a voice of the community for a punishment like this than that case referred to. He ought to state to the House what were the statistics with reference to convictions and executions. There was before him a Return for the last 20 years—from 1860. His hon. Friend the Member for South Durham had referred to the figures of averages; but he (Sir William Harcourt) thought that in cases of this kind averages were apt rather to lead them astray. Now, the two first years he had were 1860 and 1861. In 1860 there were 48 convictions and 12 executions, only a quarter of the convictions. In 1861 there were 50 convictions and 15 executions. Now, he reminded the House that, at that time, there was a still further alleviation of the severity of the law, a number of offences before regarded as capital being removed from that category. At once in the succeeding years the convictions fell from 50 to 30; and they might say that since 1862, taking it generally, the convictions, speaking in round numbers, had been somewhere between 20 and 30, and the executions had been between 10 and 15, and they might say the same of what was likely to be the history in the present year. Those were the actual figures. Now, the question proposed by the Bill was, shall this punishment now be continued? On that question there was great difference of opinion. The great argument in favour of it was that it had a deterring influence. There were persons who held a strong opinion in the other direction, and, personally, his views were very much with those of his hon. Friend the Member for South Durham; but what they had to consider in dealing with a matter of this kind was, what was the general sentiment of the community with reference to the operation of this punishment? There might be a sentiment among themselves that they desired to have carried out, and on that subject he thought himself entitled to hold his own individual opinion. There was one argument used by his hon. Friend in favour of the Bill, which he (Sir William Harcourt) conceived was rather an argument against it. He said it was perfectly true that at the present time murders were not generally committed by the criminal class. If that was perfectly true, he thought it was reasonable to conclude from it that the criminal classes were deterred from committing murder by the fear of death, especially when they found that murder was committed by persons not habitually criminal, from motives of passion or insanity, or some motive separated from the habitual practice of crime. It was said that the prevention of crime was the only legitimate object of punishment. That might be true in theory, and he supposed few people would desire to controvert it, or make the opposite contention. But they must look at human nature as it was, and nobody could conceal from themselves the fact that, in the judgment of the community, the feeling of retribution did largely enter into the consideration of this punishment in this country. They might say, as philosophers, they inflicted it for the purposes of prevention; but the great mass of society looked at it also from the point of view of retribution. One hon. Gentleman said, in the course of the debate, that that must have been the opinion of the Commission, when they divided murder into two categories—those of the first and second degrees. It followed from that, that everybody would agree that a capital execution which shocked public opinion was one of the greatest evils to which society could possibly be exposed. The great object of the Commission was, by giving Judge and jury the power of discriminating between the two classes of murder, to prevent such an evil as that occurring; and it was equally the object of the Secretary of State, in the execution of his functions, to prevent such an evil, and to prevent the technicalities of the law, or the particular circumstances of the case, from allowing a capital execution to take place under circumstances which would shock the public sentiment of the community. He should be extremely sorry to say that any Secretary of State, least of all the one who at present filled that Office, was able to discharge that duty to his own satisfaction or the satisfaction of the public. He should heartily welcome any alteration of the law which would alleviate this responsibility, either by the constitution of a Criminal Court of Appeal, or by giving the Judge and jury the power of making that discrimination between various classes of murder, which they did not now possess, and of which the responsibility was cast upon the Secretary of State. But when they came to the question of what they were to do in respect of the Bill, just as in past times it had been found possible to diminish the number of cases in which capital penalties attached to offences, and that without injury to society, so, in the future, it might be possible to dispense with capital punishment altogether, without injury to society, any more than in the former cases. But he could not agree with the hon. and learned Member for Bridport (Mr. Warton), in thinking that this question was to be argued upon Biblical grounds at all. He thought it was to be argued entirely with reference to the question of convenience and expediency as regarded the safety of society. Every man would feel, of course, most anxious to dispense with this terrible penalty, so far as consistent with the security of society; but what they had to-day to consider was whether they would by their vote abolish the penalty of death, and whether that would be a judgment which would be approved of by the great and overwhelming majority of the people of this country. That was really the practical question they had to consider, and he did not think that was a course that could be taken with advantage until opinion in this country was so ripe that they could say that the House of Commons, in pronouncing that judgment, was really affirming the settled conviction of the people of this country. He did not believe public opinion was ripe for the abolition of the punishment at the present time; and, therefore, speaking on behalf of the Executive Government, he must record his vote against the second reading of the Bill.

SIR R. ASSHETON CROSS said, that no one who had listened to the speech of the right hon. and learned Gentleman opposite could charge him with having acted inconsistently in this matter. He, therefore, believed he was expressing the entire feeling of the House when he said that the right hon. and learned Gentleman had shown how he might, with perfect consistency, wish public opinion to be formed in a certain direction in regard to this subject in favour of the views of the hon. Member for South Durham (Mr. Pease), and at the same time vote against the Bill, believing, as he did, that in the present unripe state of public opinion such a measure would practically have an evil effect on the country. The right hon. and learned Gentleman had, in his (Sir R. Assheton Cross's) opinion, most correctly stated what were the true functions of a Secretary of State in this matter. That they were very delicate functions no one could deny, and that they were most painful functions for any officer of State to perform they were all agreed; and he was equally certain that the House of Commons and the country would always look to the action of the present Secretary of State with the same favourable disposition in reviewing his acts which was extended to himself (Sir R. Assheton Cross) when he was Secretary of State, and also to his Predecessors. For his own part, he was most thankful for the generous way in which the people had regarded the manner in which he had exercised that function. He quite agreed that it would be extremely wise that the law with respect to murder should be considered, and that those three or four categories which had been alluded to in the course of the discussion, and to two of which the right hon. and learned Gentleman had alluded, should be clearly defined by statute. He (Sir R. Assheton Cross) was very favourably disposed to the formation of a Court of Appeal with regard to capital cases—he did not say in all cases—provided the cases could be speedily disposed of, because he was sure that the country would not allow a man to remain in prison under sentence of death unless the appeal was heard very quickly; but whatever Court of Appeal they established, in his opinion the Secretary of State should have nothing to do with that Court. It had been suggested that he could help the Court; but they must get rid of the Courts of Law before they approached the Secretary of State in any way. When they had got their Court of Appeal there must, from the necessity of the case, remain the Secretary of State as the ultimate Court, because it was that official who alone could advise the Crown in regard to the exercise of the Prerogative of Mercy; but if they first defined what real murder was, and then added a Court of Appeal, he believed that the great gain, in the first place, would be that by an alteration of the law they would get rid of nine-tenths of the cases that came before the Secretary of State; and, in the next place, if they had a Court of Appeal he thought they would also get rid of the other tenth; and, therefore, the Secretary of State, although they could not absolutely relieve him of his functions altogether, would be practically relieved of them. With regard to a case that had been referred to in the course of the debate, he could not understand how it could possibly have arisen in any case that because the Secretary of State for the Home Department happened to be in Scotland the matter could not have been laid before a Secretary of State in London.

SIR EARDLEY WILMOT said, the circumstance referred to was stated in all the newspapers at the time, and it occurred many years ago.

SIR R. ASSHETON CROSS said, he was not now questioning the fact; he only said it was remarkable that the persons interested in the case did not apply to the Secretary of State who was in London. Any one of the Principal Secretaries of State who happened to be in London, if an application had been made to him, would, no doubt, have attended to it. He agreed with the right hon. and learned Gentleman when he said he did not believe that, at least within recent experience, any person had been unjustly executed. It was a source of sincere satisfaction to him (Sir R. Assheton Cross) that, in regard to the man Habron, who afterwards received a pardon, he had thought when it came before him that there was so much doubt about the case that the man ought not to be executed. Although he should like very much to see capital punishment done away with altogether, he did not see that it was right to do away with it at the present moment. He believed that it had a very strong deterrent effect, and he wished to quote a sentence from a speech made in that House by his Predecessor in Office, in which he entirely agreed. Lord Aberdare said—

> "I believe the punishment of death to be a very powerful deterrent, and to say that it does not deter all criminals is no answer whatever. Those who are best acquainted with the criminal classes are of opinion that there are many of them on whom the punishment of death exercises a very powerful influence, and that they are prevented by the fear of death alone from committing the most atrocious crimes."

He agreed in his Lordship's opinion that the reason why the criminal classes did not commit murders was through fear of the punishment which would follow. He thought it was only fair and just to the present Secretary of State, having filled the Office himself, to say what he had done; and he thought that the right hon. and learned Gentleman had truly stated what were the facts with regard to the matter.

Mr. J. W. PEASE rose to reply, when——

Mr. SPEAKER, intervening, said, that as no Amendment had been moved the hon. Member was not entitled to make a second speech.

Question put.

The House *divided*:—Ayes 79; Noes 175: Majority 96.

AYES.

Ainsworth, D.
Anderson, G.
Armitstead, G.
Arnold, A.
Balfour, Sir G.
Barclay, J. W.
Barran, J.
Biggar, J. G.
Blennerhassett, R. P.
Borlase, W. C.
Briggs, W. E.
Bright, rt. hon. J.
Burt, T.
Butt, C. P.
Caine, W. S.
Cameron, C.
Cartwright, W. C.
Collings, J.
Commins, A.
Corbet, W. J.
Cowen, J.
Cropper, J.
Daly, J.
Dodds, J.
Edwards, P.
Ferguson, R.
Finigan, J. L.
Firth, J. F. B.
Forster, Sir C.
Fowler, W.
Fry, T.
Gourley, E. T.
Hopwood, C. H.
Inderwick, F. A.
James, C.
James, W. H.
Lawson, Sir W.
Laycock, R.
Leahy, J.
Leake, R.
Leamy, E.
Leatham, E. A.
M'Carthy, J.
M'Laren, C. B. B.
Maxwell-Heron, J.
O'Connor, T. P.
O'Conor, D. M.
O'Shaughnessy, R.
O'Sullivan, W. H.
Paget, T. T.
Palmer, C. M.
Palmer, J. H.
Parnell, C. S.
Pease, A.
Pender, J.
Potter, T. B.
Reid, R. T.
Rendel, S.
Richard, H.
Richardson, J. N.
Richardson, T.
Shield, H.
Simon, Serjeant J.
Storey, S.
Sullivan, A. M.
Sullivan, T. D.
Summers, W.
Taylor, P. A.
Thomasson, J. P.
Thompson, T. C.
Villiers, rt. hon. C. P.
Waterlow, Sir S.
Waugh, E.
Williams, B. T.
Williams, S. C. E.
Willis, W.
Willyams, E. W. B.
Wilson, I.
Woodall, W.

TELLERS.

Fowler, R. N.
Pease, J.

NOES.

Acland, Sir T. D.
Archdale, W. H.
Ashmead-Bartlett, E.
Balfour, A. J.
Balfour, J. B.
Barne, Col. F. St. J. N.
Barnes, A.
Barttelot, Sir W. B.
Bass, A.
Beach, W. W. B.
Bective, Earl of
Bellingham, A. H.
Beresford, G. de la P.
Blackburne, Col. J. I.
Bolton, J. C.
Boord, T. W.
Brodrick, hon. W. St. J. F.
Brooks, W. C.
Brown, A. H.
Burrell, Sir W. W
Buszard, M. C.
Campbell, R. F. F.
Campbell-Bannerman, H.
Cavendish, Lord F. C.
Chitty, J. W.
Churchill, Lord R.
Clifford, C. C.
Clive, Col. hon. G. W.
Close, M. C.
Coddington, W.
Colebrooke, Sir T. E.
Collins, E.
Collins, T.
Cotes, C. C.
Courtney, L. H.
Cowan, J.
Creyke, R.
Crichton, Viscount
Cross, rt. hon. Sir R. A.
Crum, A.
Cubitt, rt. hon. G.
Dalrymple, C.
Davenport, H. T.
Davenport, W. B.
Davey, H.
Dilke, A. W.
Dodson, rt. hon. J. G.
Duff, rt. hon. M. E. G.
Duff, R. W.
Dundas, hon. J. C.
Ecroyd, W. F.
Elliot, G. W.
Elliot, hon. A. R. D.
Emlyn, Viscount
Errington, G.
Evans, T. W.
Ewing, A. O.
Farquharson, Dr. R.
Fawcett, rt. hon. H.
Feilden, Major-General R. J.
Fenwick-Bisset, M.
Ffolkes, Sir W. H. B.
Fitzmaurice, Lord E.
Floyer, J.
Foljambe, C. G. S.
Forester, C. T. W.
Foster, W. H.
Fremantle, hon. T. F.
Gibson, rt. hon. E.
Givan, J.
Gladstone, H. J.
Gladstone, W. H.
Goldney, Sir G.
Gorst, J. E.
Grant, A.
Grant, Sir G. M.
Greene, E.
Guest, M. J.
Halsey, T. F.
Hamilton, Lord C. J.
Harcourt, rt. hon. Sir W. G. V. V.
Hayter, Sir A. D.
Healy, T. M.
Heneage, E.
Herschell, Sir F.
Holland, Sir H. T.
Holms, W.
Hope, rt hn. A. J. B. B.
Howard, E. S.
Howard, G. J.
Hubbard, rt. hon. J.
James, Sir H.
Jardine, R.
Jenkins, D. J.
Johnson, W. M.
Kennaway, Sir J. H.
Kingscote, Col. R. N. F.
Kinnear, J.
Knightley, Sir R.
Laing, S.
Lawrence, W.
Leatham, W. H.
Lee, Major V.
Levett, T. J.
Litton, E. F.
Lloyd, M.
Long, W. H.
Lowther, hon. W.
Lubbock, Sir J.
Lusk, Sir A.
Lyons, R. D.
Mackie, R. B.
Mackintosh, C. F.
M'Arthur, A.
M'Garel-Hogg, Sir J.
M'Lagan, P.
Mappin, F. T.
Marjoribanks, Sir D. C.
Marjoribanks, E.
Massey, rt. hon. W. N.
Matheson, A.
Maxwell, Sir H. E.
Milbank, F. A.
Monk, C. J.
Moreton, Lord
Morgan, rt. hn. G. O.
Moss, R.
Murray, C. J.
Newdegate, C. N.
Newport, Viscount
Nicholson, W. N.
Noel, rt. hon. G. J.
O'Donoghue, The
Onslow, D.
O'Shea, W. H.
Peek, Sir H. W.
Pell, A.
Percy, Earl
Playfair, rt. hon. L.
Portman, hn. W. H. B.
Powell, W.
Price, Captain G. E.
Puleston, J. H.
Ralli, P.
Ramsay, J.
Ridley, Sir M. W.
Ross, C. C.
Rylands, P.
St. Aubyn, W. M.
Samuelson, H.
Scott, M. D.
Seely, C. (Lincoln)
Severne, J. E.
Sheridan, H. B.
Smith, rt. hon. W. H.
Stafford, Marquess of
Stanhope, hon. E.
Stanton, W. J.
Story-Maskelyne, M. H.
Talbot, C. R. M.
Thynne, Lord H. F.
Tollemache, hn. W. F.
Vivian, H. H.
Walrond, Col. W. H.
Walter, J.
Warburton, P. E.
Warton, C. N.
Wedderburn, Sir D.

Welby-Gregory, Sir W.	Wortley, C. B. Stuart-
Whitley, E.	Wroughton, P.
Williamson, S.	TELLERS.
Wilmot, Sir J. E.	Grosvenor, Lord R.
Winn, R.	Kensington, Lord

DISTRESS FOR RENT BILL.—[BILL 74.]

(*Mr. Rendel, Mr. Gurdon.*)

SECOND READING.

Order for Second Reading read.

MR. STUART RENDEL, in moving that the Order be discharged, said, that since the first reading of the measure the position of the question of Distress had undergone a material change. The Opposition had failed to divide against the Resolution in favour of the abolition of Distress in regard to agricultural holdings which was moved by the hon. Member for Kerry (Mr. Blennerhassett), and the Government had pronounced distinctly for abolition. That being so, he wished to leave the question in the hands of the Government. His Bill would, he thought, have provided an immediate and handsome instalment of relief; but, in the present state of Public Business, it was idle to suppose it could become law this Session, and he was, therefore, indisposed to occupy the time of the House with it. He accordingly moved the discharge of the Order.

Motion made, and Question proposed, "That the Order be discharged."—(*Mr. Rendel.*)

MR. T. COLLINS said, that it did not follow, because the House had passed an abstract Resolution on that subject, that it was prepared to deal with it in the sense indicated by the hon. Member opposite (Mr. Rendel). He (Mr. T. Collins) had always maintained that a limited right of Distress—say, for a twelvemonth's rent—would be a great advantage to the small farmer. If the right of Distress were entirely abolished, the landlords would be driven to obtain their rents in advance, which certainly would not encourage men of small means to take farms.

MR. WARTON contended that although it was true in a literal sense that the abstract Resolution lately moved by the hon. Member for Kerry (Mr. Blennerhassett) was carried, yet it was carried by a perfect accident, and the feeling of the House was not with the Resolution.

MR. STORY-MASKELYNE said, that if a division had been taken he should have voted against the abstract Resolution which had been referred to, inasmuch as only one side of a question was brought into prominence in such discussions. He hoped the whole question would be re-considered, for the Law of Distress, though it might work a cruel injustice, if pushed to the extreme, yet, as practically carried out, protected the tenant; and he considered that without entire abrogation of its principle it might be brought into harmony with justice, and the larger interests involved in the culture of the land.

MR. BLENNERHASSETT denied that his Resolution was carried by an accident. If any hon. Member had wished to challenge it, he had only to vote against it; but not a single hon. Member was found to take that course. The opinion of the House had been expressed through his Resolution that Distress should be totally abolished. ["No, no!"]

MR. WARTON said, that in contradiction of what had been alleged by the hon. Member for Kerry (Mr. Blennerhassett) he must repeat that the absence of a division was due to an accident.

MR. BIGGAR rose to continue the discussion,

And it being a quarter of an hour before Six of the clock, the Debate stood adjourned till *To-morrow.*

COURT OF BANKRUPTCY (IRELAND) (OFFICERS AND CLERKS) [SALARIES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of the Salaries of Officers, Clerks, and other persons, which may become payable under the provisions of any Act of the present Session to amend the Law relating to the Official Staff of the Court of Bankruptcy in Ireland.

Resolution to be reported *To-morrow.*

METALLIC MINES (GUNPOWDER) BILL.

On Motion of Mr. JOSEPH PEASE, Bill to amend the Law relating to the use of Gunpowder in certain stratified Ironstone Mines, *ordered* to be brought in by Mr. JOSEPH PEASE, Mr. MACDONALD, Mr. CHARLES PALMER, and Mr. BURT.

Bill *presented,* and read the first time. [Bill 196.]

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 23rd June, 1881.

MINUTES.]—Public Bills—*First Reading*—Summary Jurisdiction (Process)* (124); Tramways Orders Confirmation (No. 1)* (125); Tramways Orders Confirmation (No. 2)* (126); Universities (Scotland) Registration of Parliamentary Voters, &c.* (130).

Second Reading—Newspapers (101).

Committee—Bankruptcy and Cessio (Scotland)* (100-128).

Committee—Report—Veterinary Surgeons (87-127); Petty Sessions Clerks (Ireland)* (113); Consolidated Fund (No. 3)*; Post Office (Land)* (114).

Report—Married Women's Property (Scotland)* (75-129); Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.)* (111).

Third Reading—Local Government (Ireland) Provisional Orders (Ballymena, &c.)* (110); Local Government Provisional Orders (Cottingham, &c.)* (112), and *passed.*

VETERINARY SURGEONS BILL.

(*The Lord Aberdare.*)

(NO. 87.) COMMITTEE.

House in Committee (according to Order).

Earl SPENCER said, that he had an important Amendment to move in the Bill. He would not move it now, but on the Report, after it had been printed.

Bill *reported* without amendment; amendments made; Bill *re-committed* to a Committee of the Whole House on *Tuesday* next; and to be *printed* as amended. (No. 127.)

NEWSPAPERS BILL.—(No. 101.)

(*The Earl of Dunraven.*)

SECOND READING.

Order of the Day for the Second Reading, read.

The Earl of DUNRAVEN, in moving that the Bill be now read a second time, said, the object of it was to enable the authorities, by the repeal of the Post Office Act of 1876, to permit newspapers which had been cut and stitched to pass through the Post Office as newspapers. At present there was an objection to that being done on the part of the Post Office. The provisions of the Bill would not extend to supplements of newspapers. The Bill had passed through the House of Commons without any alteration or opposition.

Moved, "That the Bill be now read 2ª."—(*The Earl of Dunraven.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

ARMY—THE AUXILIARY FORCES—THE VOLUNTEER REVIEW AT WINDSOR.

QUESTION.

Viscount BURY asked the Secretary of State for Foreign Affairs, Whether he will make arrangements, so far as the exigencies of the public service will permit, for granting leave to gentlemen employed in the public offices, who are also Volunteers, on Saturday, the 9th of July, in order that they may be enabled to attend the Review to be held by Her Majesty at Windsor? As he understood there would be no objection to complying with this request, he should not trouble their Lordships beyond putting the Question.

Earl GRANVILLE: My Lords, Mr. Gladstone has signed a Minute to be circulated to the Departments, which is founded upon the precedent of 1867, when there was a Review in honour of the Sultan. It states that there appears to be no necessity for a general half-holiday, but expresses the hope that arrangements may be made in each Office to allow those Civil servants who are Volunteers to have leave on the day of the Review, so far as it is compatible with the interests of the Public Service.

Viscount BURY said, that the answer of the noble Earl was perfectly satisfactory as far as it went; but he desired to point out that owing to the large number of Volunteers which would leave the Metropolis on that day, it would be impossible for them to be present at the Review unless they left town at an early hour in the morning, and a whole day's holiday would therefore be required.

CHARITY TRUSTEES INCORPORATION ACT, 1872.

MOTION FOR A RETURN.

The Bishop of CARLISLE, in moving for a

"Return of all applications which have been made to the Charity Commissioners under the provisions of 35th and 36th Victoria, chap. 24, distinguishing the cases in which a certificate of incorporation has been granted from those in which it has been refused;"

said, that under the provisions of this Act the Charity Commissioners could, in their discretion, grant certificates of incorporation upon the application of a charity, and that the expenses were absolutely trifling. This fact was very little known, and therefore the provisions of the Act had not been much resorted to. It was desirable that people should know what could be done; and the best way to see how the Act in that respect had worked would be to obtain a Return of what the Commissioners had done. He believed there would be no opposition to his Motion.

Motion *agreed to.*

"Return of all applications which have been made to the Charity Commissioners under the provisions of 35th and 36th Victoria, chap. 24., distinguishing the cases in which a certificate of incorporation has been granted from those in which it has been refused."—(*The Lord Bishop of Carlisle.*)

Ordered to be laid before the House.

THE IRISH LAND QUESTION—THE DUKE OF ARGYLL'S MOTION.

POSTPONEMENT OF MOTION.

The Marquess of LANSDOWNE said, he had been requested by his noble Friend the Duke of Argyll, who had a Motion upon the Paper for to-morrow, calling attention to the Report of the Bessborough Commission on the Irish Land Laws, and to the evidence relative thereto, to express his regret that he was compelled, by the return of the indisposition from which he was suffering last week, to put off his Motion. He was unable at present to fix any precise date on which he would again bring the Motion forward; but he had every intention of doing so at the earliest possible opportunity consistent with the state of his health.

The Marquess of SALISBURY: Can the noble Marquess give the House any information as to the limit of the time to which the delay will extend?

The Marquess of LANSDOWNE: I am sorry I have no information except that which I have endeavoured to lay before your Lordships.

UNIVERSITIES (SCOTLAND) REGISTRATION OF PARLIAMENTARY VOTERS, &c. BILL [H.L.]

A Bill to make further provision in regard to the registration of parliamentary voters, and also in regard to the taking of the poll by means of voting papers in the Universities of Scotland —Was *presented* by The Lord Watson; read 1ª. (No. 130.)

House adjourned at a quarter before Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, 23rd June, 1881.

MINUTES.] — Public Bills—*Ordered—First Reading* — Canal Boats Act (1877) Amendment * [197]; Relief of Distress (Ireland) Act Amendment * [198].
Second Reading—Fugitive Offenders * [194].
Committee—Land Law (Ireland) * [135]—R.P.
Committee—Report—Burial Grounds (Scotland) Act (1855) Amendment * [184]; Coroners (Ireland) (*re-comm.*) * [187].
Third Reading—Tramways Orders Confirmation (No. 1) * [167]; Tramways Orders Confirmation (No. 2) * [168], and *passed.*
Withdrawn—Distress for Rent * [74].

QUESTIONS.

METROPOLIS—FISH SUPPLY.

Mr. FIRTH asked the Secretary of State for the Home Department, Whether he has yet received a reply to the letter addressed by him to the Lord Mayor in reference to London Fish Supply; whether he is able to communicate the tenor of such reply to the House; and, whether, in case such reply is not satisfactory, he is prepared to initiate or suggest any measures for the improvement of the facilities and increase of supply of this important article of food?

Sir WILLIAM HARCOURT: Sir, I have received a notice from the Town Clerk of the Corporation stating that a Committee has been appointed to inquire into the present unsatisfactory state of the fish supply of the Metropolis. But considering how long the matter has been in the stage of inquiry, I think the time has come when something should be done. I hope that Billingsgate Market may be improved; but as the main supply of fish now reaches London, not by water, but by train, there seems no reason why the 4,000,000 inhabitants of the Metropolis should be dependent on a single waterside market, with a very bad land access. I can see no good ground for a claim that the supply of this essential article of food to our vast Metropolitan population should be the monopoly of any single authority. I do not see my hon. and gallant Friend the Chairman of the Metropolitan Board of Works (Sir James M'Garel-Hogg) present; but it seems to me that a Body which represents millions of people within this City, and which has already accomplished great and useful works, might well take up this subject; and if they are disposed to undertake to remedy this great want for the benefit of their constituents, they may count on my assistance, and, I doubt not, will receive the support of this House in carrying out any well-considered scheme they may propose.

Afterwards,

MR. FIRTH asked the hon. and gallant Member for Truro, Whether in his opinion the Metropolitan Board of Works would establish a market for land-borne fish in case they should receive the support and sanction of the Home Office? [*Cries of* "Notice!"]

MR. SPEAKER said, the hon. Member should put the Question upon the Paper in the usual way.

SIR JAMES M'GAREL-HOGG said, he had no wish to evade the Question; but as the House appeared to be of opinion that Notice should be given, he would postpone his answer.

HIGH COURT OF JUSTICE—CHANCERY DIVISION—DORMANT CAUSES—MONEY PAID INTO COURT.

MR. S. LEIGHTON asked the Financial Secretary to the Treasury, Why the list of moneys paid into the Court of Chancery, which, according to statute, ought to have been published eighteen months ago, have not yet been published; and, whether the delay has been caused by the fault of the Chancery Paymaster, or by the omission of the Treasury to afford additional assistance to the Paymaster's Department?

LORD FREDERICK CAVENDISH: Sir, a rule of the Court of Chancery directs that as soon as conveniently may be after the 1st of October in every third year (in this case 1879), a list shall be prepared by the Chancery Paymaster, and published in *The Gazette*, of the causes whereon money or securities may be standing undealt with for 15 years. The statement of the hon. Member is, therefore, not quite correct; but I willingly admit that the list should have been ready before this. The delay has been caused by pressure of work in the office. I learn, however, that the corrected proofs have been sent to *The London Gazette*, and the list will appear without further delay.

ARMY ORGANIZATION—THE ARMY (INDIA).

MR. ONSLOW asked the Secretary of State for India, Whether the Viceroy of India in Council has been consulted regarding the principal changes in Army organisation, &c. intended to take effect from 1st July 1881; and, if so, whether the correspondence will be laid upon the Table of the House before the discussion on the subject takes place; and, what, if any, will be the increased charge on the Indian Military expenditure if the scheme, as proposed, be carried out?

THE MARQUESS OF HARTINGTON: Sir, a large proportion of the changes which it is intended shall take effect from the 1st of July, 1881, are not of a nature to require that the Viceroy of India shall be consulted before their adoption. The essential changes, however, which affect the interests of the Indian Empire—namely, the prolonged tour of battalions in India and the materially lengthened service of the individual soldiers composing them, are in complete accord with the well-known and frequently-expressed wishes of the Indian Government. With reference to an increase of charge on the Indian military expenditure arising from the proposed scheme, there is no increase. It would be impracticable at present to give any precise or detailed table of charges, for estimates, based on many heads of expenditure, some of which depend on more or less remote contingencies, are necessarily uncertain; but, after setting probable increase of charge in some items against assured decrease in others, the result is certainly and very materially to the advantage of the Indian revenues, MR. ONSLOW: What about the Correspondence?

THE MARQUESS OF HARTINGTON: There has been much discussion on the subject between the War Office and the Foreign Office; but there is no Correspondence which can be laid on the Table of the House.

ARMY—RIFLE RANGES.

MR. HEALY asked the Secretary of State for War, Whether the rifle range at Templemore has frequently been pronounced most dangerous; whether behind the targets and within the effective range there are farm-houses in a direct line, and other houses very little out of the direct line; whether the direct line is not moreover diagonally crossed at even closer range by a high road totally unprotected, though concealed by a hedge; whether hundreds of recruits are not trained at rifle practice at this range; whether at Buttevant a similar state of things does not prevail; and, if the door of a cottage known to be in danger was not recently pierced by a bullet which missed the target at that place?

MR. CHILDERS: Sir, the rifle range at Templemore has never been pronounced most dangerous, nor has any accident ever occurred there. The nearest farm-house is 1,450 yards in rear of the target, and no high road crosses the line of fire within 1,500 yards. Recruits are regularly trained there. As to Buttevant, the long range is perfectly safe; but I am not quite sure that the stop butts at the short range are as high as might be desired, and I have ordered inquiry to be made. Nothing is known of the door of a cottage having been pierced by a bullet.

MR. HEALY: Would the right hon. Gentleman say it was not true, when an action was actually pending as to the occurrence at the cottage?

MR. CHILDERS: The answer, both from the resident officer and from the officers in Dublin, is that nothing is known of such a case there. However, if that is the hon. Gentleman's information, and he will confer with me privately, I will make inquiry.

COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS).

MR. W. HOLMS asked the Under Secretary of State for Foreign Affairs, Whether, having regard to the Resolution adopted by this House on the 9th instant,

> "That no Commercial Treaty between Great Britain and France will be satisfactory which does not tend to the development of commercial relations between the two Countries by a further reduction of duties,"

any representation has been made by Her Majesty's Government to the French Government that we can only treat with them for a new Commercial Treaty on the conditions of said Resolution; and, if no representation has been made, what course does Her Majesty's Government intend to take to give effect to the Resolution?

SIR CHARLES W. DILKE: Sir, no formal representation has been made to the French Government; but the terms of the Resolution are kept in view by the Royal Commission now engaged in conducting commercial negotiations with France.

MR. W. HOLMS said, he would call the hon. Baronet's attention to the last portion of his Question—"What course does Her Majesty's Government intend to take to give effect to the Resolution?"

SIR CHARLES W. DILKE: We can only give effect to the Resolution by means of the negotiations, and, as I have stated, the Resolution is being carefully borne in mind.

AGRICULTURAL STATISTICS—THE COLONIAL DEPENDENCIES.

MR. R. H. PAGET asked the Secretary of State for the Colonies, If he will be good enough to endeavour to obtain from each of our Colonial Dependencies an annual Return of Agricultural Statistics, in as complete a form as possible, in order that they may be referred to the Department of Agriculture (about to be created), and be published by that Department; and, if he will request all Governors of Colonies to send from time to time Reports on the Agriculture of their respective Colonies, with the view of the speedy publication of such Reports by the Department of Agriculture?

MR. GRANT DUFF: Sir, most of the principal agricultural Colonies already supply the kind of information for which my hon. Friend asks in great detail, and if he will communicate with me, I dare say we could arrange to get a good deal more information than we already have.

WESTERN PACIFIC—SOLOMON ISLANDS—PUNISHMENT OF NATIVES.

Mr. R. N. FOWLER asked the Under Secretary of State for the Colonies, Whether he has received from Her Majesty's High Commissioner in the Western Pacific, or from his colleague the Governor of Fiji, any Despatches or Reports concerning recent outrages in the Solomon Islands, and the reprisals inflicted by H.M.S. "Emerald?"

Mr. GRANT DUFF: Sir, no information has reached us from Her Majesty's High Commissioner, or from the Assistant High Commissioner, Mr. Des Vœux, about these matters, which do not fall under their jurisdiction. The Commodore in the Western Pacific keeps these high officers informed of what is done by the Navy; but the earliest intelligence comes, of course, through the Admiralty.

ARMY ORGANIZATION—REGIMENTAL PRECEDENCE.

Mr. O'SHEA asked the Secretary of State for War, Whether since the 2nd West York Light Infantry Militia, raised 122 years ago, has been made the 4th Battalion of the York Regiment, he has considered that it will in consequence be placed junior to the 5th West York Militia, raised only about 25 years ago, but now designated as the 3rd Battalion of the amalgamated Regiment; whether his attention has been called to the fact that the officers and men of the 2nd West York Light Infantry feel acutely this slight to the prejudice of the older Battalion, which has had its head quarters at York since 1752, and which formerly bore the name of the York Regiment; whether, if the number 4 for precedence in the Militia, recently assumed by the 5th West York on the disbandment of the Rutlandshire Militia, has influenced the decision complained of, the authorities have considered that the numbers for precedence were drawn in 1833; and, whether his attention has recently been directed to Lord Melbourne's Circular of the 30th April 1833?

Mr. CHILDERS: Sir, I have read the Papers on the subject to which the hon. Member's Question refers, including Lord Melbourne's Circular, and I find that for about 21 years the 5th West York Militia Regiment has been allowed precedence of the 2nd West York Regiment; and I could not now alter this precedence without raising questions as to the precedence of many other regiments.

WESTERN PACIFIC—KIDNAPPING NATIVES.

Mr. A. PEASE asked the Under Secretary of State for the Colonies, Whether his attention has been called to a letter which Baron de Micklouho Maclay has written to the Commodore of the Australian Naval Station, in which he states that "kidnapping, slave trade, and slavery," are still largely practised in the Western Pacific, and suggests that, having regard to "the criminal actions of skippers not sailing under the British flag," it is desirable to bring about an international understanding on the subject; and, whether Her Majesty's Government will consider the expediency of inviting the Governments of France, Germany, and the United States to concert measures for the suppression of outrages by labour recruiting vessels of various nationalities?

Mr. GRANT DUFF: Sir, we know nothing of such a letter, which would, I presume, have found its way to the Admiralty, and not to us; but the question of an international understanding has been for some time under the consideration of Her Majesty's Goverment.

FOREIGN JEWS IN RUSSIA—EXPULSION OF MR. L. LEWISOHN, A NATURALIZED BRITISH SUBJECT.

Baron HENRY DE WORMS asked the Secretary of State for Foreign Affairs, Whether the Commercial Treaty of 1859 between this Country and Russia, which stipulates that English subjects shall be at liberty to come to all places in Russia to which other foreigners are free to come, has been abrogated; if not, whether the Ukase of 1860, by which the participation of foreign Jews in the immunities of Russian traders was confined to a select number of eminent and wealthy bankers and manufacturers, can in International Law be held to have set aside the above Treaty stipulation; and, whether it is not the fact that no Law existed in Russia in 1859 limiting the period of the stay of a foreign Jew in St. Petersburg to twenty-four hours, so that the saving clause in the Treaty as to—

"the laws, decrees, and special stipulations regarding commerce, industry, and police in each of the two countries, and generally applicable to all foreigners,"

cannot apply to the case of Mr. Lewisohn?

Sir CHARLES W. DILKE: Sir, these Questions raise points which are under the consideration of the Law Officers of the Crown, and I am not in a position to reply to them until their Report has been received.

Baron HENRY DE WORMS said, he desired to ask the hon. Baronet another Question. The last time he addressed him on the subject, the hon. Baronet informed the House that a communication had been made to Mr. Lewisohn, and that, pending an answer from him, no further action could be taken in the matter. What he wanted to know was, Whether that communication to Mr. Lewisohn did not request him to state whether, in fact, he had taken out a licence as a trader at St. Petersburg, under the terms of the Ukase of 1860; and whether it was necessary for a person who did not settle permanently in Russia, but was merely engaged in business transactions of a temporary character, to take out a licence under that Ukase? And he would further ask the hon. Gentleman, Whether the Treaty of 1859 between this country and Russia would, as a matter of International Law, override any subsequent local law made in 1860?

Sir CHARLES W. DILKE: Sir, I shall be happy to answer the Question as to the facts; but I cannot answer the last Question which has been put to me, because that is the very Question which has been referred to the consideration of the Law Officers of the Crown. With regard to the facts, it is the case that the principal question addressed to Mr. Lewisohn was as to whether he took out a licence or not. That question was put to him at the suggestion of the Legal Adviser of the Embassy at St. Petersburg. That question, and the answer to it, will form part of the Papers which have been sent to the Law Officers. The Papers have, I believe, been sent to them in the course of the last few minutes.

Baron HENRY DE WORMS said, he was sorry to trouble the hon. Baronet with another Question; but he was anxious to know whether the case was to be submitted to the Law Officers on the premise that it was necessary for Mr. Lewisohn to take out a licence as a trader in St. Petersburg? The whole case turned on that question. The Ukase distinctly stated that anybody who engaged in trade of a permanent nature in St. Petersburg must take out a licence. A similar law existed in Austria. But, of course, if the Law Officers of the Crown were to decide the case on the assumption that Mr. Lewisohn should have taken out a licence and did not do so, such decision would of necessity be incorrect and unfair to Mr. Lewisohn, as based on a wrong premise. He would say no more on this point; but he would like to point out that — [*Cries of* "Order!"] — this was really a matter of the greatest importance, affecting, as it did, the liberty of the subject; and he should have thought it would have met with the approval of both sides of the House. He was unwilling to intrude himself on the House; but, if it was necessary, he must conclude with a Motion. He wished to ask the hon. Baronet, Whether the case was to be based on the premise that it was necessary that Mr. Lewisohn should take out a licence as a trader; and whether the Ukase of 1860 did not expressly state that only those persons must take out licences who intended permanently to engage in trade in the Russian Empire? That Mr. Lewisohn had no such idea was shown by previous despatches, and no such intention was ever alleged against him.

Sir CHARLES W. DILKE: Sir, the case referred to the Law Officers is not based on the condition mentioned by the hon. Member, for, if so, there would be no case to refer. The case contains the whole of the statements made by Mr. Lewisohn, all the Russian laws and ordinances bearing on the question, and the opinions of the Legal Advisers of the Embassy at St. Petersburg.

Baron HENRY DE WORMS said, he would repeat his Question on the earliest possible opportunity. He should like to know when the Law Officers were likely to report?

Sir CHARLES W. DILKE: I cannot say, Sir; but I will inform the hon. Member when they have reported.

POOR LAW MEDICAL OFFICERS—MR. HELE.

Mr. FIRTH asked the President of the Local Government Board, Whether his attention has been called to the case of Mr. Hele, the district medical officer of Plomesgate Union, who, in obedience to an overseer's order, attended a boy for injury and amputated his leg, but the board of guardians, without assigning a reason, refused to pay him the fee to which he is entitled under Article 177 of General Consolidated Orders, 1847; whether the Local Government Board will extend the time fixed by 22 and 23 Vic. c. 49, so as to allow Mr. Hele to test the legality of such action of the guardians (such time having lapsed through Mr. Hele having been engaged in Correspondence with the Local Government Board on the subject); and, whether he will lay upon the Table a Copy of the Correspondence which has passed on the subject between Mr. Hele, the Poor Law Guardians, and the Local Government Board?

Mr. DODSON, in reply, said, that in the present state of the Correspondence he could not lay a Copy on the Table.

PUBLIC HEALTH (METROPOLIS)—COVERED DUST CARTS.

Viscount NEWPORT asked the President of the Local Government Board, Whether, considering the infectious and decaying matter which is frequently carried in dust carts, and the consequent danger to the public health, he would communicate with the Metropolitan Vestries with a view to establishing a system of covered carts, such as are used in some of the Continental towns?

Mr. DODSON: Sir, the Local Government Board have no jurisdiction over the Metropolitan Vestries with respect to the construction and regulation of their dust carts; and I am afraid, therefore, that I could not undertake, with any advantage, to communicate with them in the matter. At the same time, as the attention of the Vestries will be drawn to the subject by the Question of the noble Viscount, I cannot but hope that they will be disposed to take the matter into their consideration with a view of remedying any evils arising from the present system.

ARMY ORGANIZATION—PROMOTION AND RETIREMENT.

Sir HENRY FLETCHER asked the Secretary of State for War, Whether, in framing the forthcoming Royal Warrant on Army Promotion and Retirement, he will cancel or revise that portion of the Royal Warrant of 1st May 1878, which renders "purchase" Captains now serving on full pay ineligible to receive the pension provided for by Articles 99 and 1,163 of that Warrant, because they happened to be on half-pay on the 1st November 1871?

Mr. CHILDERS: No, Sir; I have carefully considered this case with my military advisers, and the alteration suggested is not deemed advisable. But in common with other captains brought back and compelled to retire in that rank they will receive a boon of an additional £50 to their pension.

ARMY—CASE OF STEPHEN WHELAN, AN INSANE SOLDIER.

Mr. W. J. CORBET asked the Secretary of State for War, If his attention has been called to a report of the proceedings of the Board of Guardians of the Mountmellick Union, published in the "Leinster Leader," of Saturday the 18th June, in which the following passage occurs with reference to the removal of Stephen Whelan, an insane soldier, from Netley, a few days ago, to the Mountmellick Poor House:—

> "They first take this man away to fight the battles of the Empire, and then, when he is, after fighting for nothing, they send him back from rich England to poor and needy Ireland. It is a most unjust Law that gives them power to do that, and we cannot send a single Englishman back out of this Country. It is simply shameful;"

whether it is a fact that this man enlisted on the 25th July 1860, and has, therefore, been twenty-one years in the British Army; whether, at the time Stephen Whelan enlisted, the residence of his immediate relatives was not stated to be at Bradford, in Yorkshire; whether it was by his authority that the removal of the lunatic took place; and, if so, whether he will take into consideration the propriety of making some arrangement by which Irish soldiers, who have served in the Army for the best part of their lives, and who have, while in the Service, become incapacitated by mental or bodily disease from earning their bread, shall be maintained at the expense of the Crown instead of throwing them on the local rates; and, whether Stephen Whelan was discharged without pension; and, if so, why?

Mr. CHILDERS: No, Sir; I am sorry to say that *The Leinster Herald* is not one of the Irish newspapers sent to the War Office; and, as the Guardians of the Mountmellick Union have made no representation to me, the first I heard of the case was in the hon. Member's Questions. Stephen Whelan enlisted at Mountmellick on the 25th of July, 1860, and stated that he was born at Rosenallis, near Mountmellick. No mention was made when he enlisted of his Yorkshire relations. He is not entitled to a pension, having forfeited eight years of his service on account of conviction for theft; but Her Majesty has been advised to restore these eight years, and he will then receive a pension, in which case what is necessary for his support will be credited out of it to the Union authorities.

THE COMMISSIONERS OF IRISH LIGHTS.

Mr. CALLAN (for Mr. Gray) asked the President of the Board of Trade, Whether the Board of Trade contemplate the appointment of a paid Chairman to the Commissioners of Irish Lights, or whether any proposal to that effect has been received by the Board of Trade?

Mr. CHAMBERLAIN, in reply, said, that no such proposal had been made to the Board of Trade. The Board did not contemplate any change in the existing arrangements.

POST OFFICE—THE METROPOLITAN LETTER-CARRIERS.

Mr. SCHREIBER asked the Postmaster General, Whether a scheme may shortly be expected dealing with the case of the Metropolitan Letter-carriers, as laid before him in their Petitions?

Mr. FAWCETT: Sir, in addition to the Memorials to which the hon. Member refers, numerous others have been sent to me from different parts of the country by letter-carriers, stampers, bagmen porters, linemen, &c. I can only say that these Memorials shall be carefully considered. Having said this, I trust it will not be thought I am asking too much, if I express a hope that I shall not be pressed to give a decision before there has been time properly to investigate the subject.

Mr. SCHREIBER asked whether the right hon. Gentleman would promise not to take the Post Office Vote before he had come to a decision on the subject?

Mr. FAWCETT: Sir, any question involving the expenditure of public money is one for serious consideration. I feel I should not be acting rightly towards the taxpayers of the country if I were to make any other promise than that which I have already made. All I can say is that the subject shall be fully investigated, and that I will spare no effort to come to a decision as soon as possible, and that when I have come to it, I will lay my proposals, if I have any to make, before the Treasury.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—IRISH MILITIAMEN.

Mr. HEALY asked the Secretary of State for War, Whether Irish militiamen arrested under the Coercion Acts, and belonging to regiments not called out this year, will receive the bounty paid to the other men of the regiment?

Mr. CHILDERS: Sir, in reply to the hon. Member, I have to state that the men he refers to will receive their bounty.

TRADE AND COMMERCE—UNTAXED IMPORTS—LETTER OF SIR LOUIS MALLET.

Mr. MAC IVER asked the President of the Board of Trade, If his attention has been called to a letter from Sir Louis Mallet to Mr. T. B. Potter, of which the Cobden Club circulated 41,000 copies, and in which the value of our untaxed imports of "Manufactured and Half-Manufactured articles" (taken from the Statistical Abstract) was stated to be about £49,000,000; whether he is aware that the accuracy of those figures has been questioned, and that it is alleged they should have been about £65,000,000; if the discrepancy is accounted for by the circumstance that oil-seed cake refined, and candied sugar, and several other manufactures, were omitted; and, if so, whether there is any sufficient reason for the official statistics continuing to be issued in a form which, by the adoption of a misleading classification, practically understates the general total of our imported manufactures by something like £16,000,000 annually; and, if, in the Return which it is proposed to issue as regards our trade with France, he can see his way to include, under one heading, all those articles which are in reality manufactures, and in such manner that the total value of these importations may be readily ascertained?

Mr. CHAMBERLAIN: Sir, my attention has been called by the hon. Member for Birkenhead (Mr. Mac Iver) to a letter from Sir Louis Mallet to the hon. Member for Rochdale (Mr. Potter), which has been published by the Cobden Club; but I have not yet had time to read it. I am aware from the statement of the hon. Member for Birkenhead that he challenges the accuracy of some of the figures in that pamphlet. But I am not responsible for any statements which may have been made by Sir Louis Mallet, and I cannot undertake to explain the discrepancy between Sir Louis Mallet and the hon. Member, or to pronounce any opinion on the controversy which has arisen. I do not think that the official statistics published by us adopt a misleading classification; on the contrary, I think them perfectly intelligible. I have to add, in reply to the last Question, in respect to the Return which I promised to lay upon the Table, that I will endeavour to distinguish, as far as possible, between manufactured articles and articles not manufactured.

ARMY ORGANIZATION—PENSIONS OF LIEUTENANT COLONELS.

Sir PATRICK O'BRIEN asked the Secretary of State for War, Whether it will be optional for a Lieutenant Colonel of Infantry, appointed before the 1st of July 1881, to retire on a Colonel's pension after having held commond for four years?

Mr. CHILDERS: Yes, Sir.

MERCHANT SHIPPING ACTS—EMIGRANT SHIPS.

Mr. A. MOORE asked the President of the Board of Trade, What steps have been taken to inquire into the statements made by Miss Charlotte G. O'Brien as to the treatment of steerage passengers in emigrant ships?

Mr. CHAMBERLAIN: Sir, on May 30, I answered a Question similar to this, and then stated the views of the Board of Trade in reference to this matter. Papers have been laid on the Table, and will be in the hands of Members in a few days.

Mr. T. P. O'CONNOR asked, whether it was to be understood that no further steps would be taken to secure the comfort and decency of steerage passengers? He had received many communications, not only from Ireland, but America, drawing attention to the state of steerage accommodation on emigrant ships.

Mr. CHAMBERLAIN: Sir, if the hon. Member will wait for the Papers, he will find that the matter has been carefully investigated. Any recommendation we have to make will be contained in those Papers.

PARLIAMENT—THE ASSISTANT SERJEANT-AT-ARMS.

Mr. ONSLOW asked the Secretary to the Treasury, What compensation it is proposed to give the Assistant Serjeant of Arms, in consequence of the house for many years occupied by the gentleman holding that office now being taken away from him?

Lord FREDERICK CAVENDISH: Sir, it has been decided to grant to the Assistant Serjeant-at-Arms a personal allowance of £150 per annum in lieu of the house and other emoluments surrendered in connection with it.

PEACE PRESERVATION (IRELAND) ACT, 1881—REFUSAL OF AN ARMS LICENCE.

Mr. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that James O'Callaghan, a respectable businessman, of Ross Carbory, county Cork, has been refused a revolver licence by the resident magistrate of his district, although he has had a licence to keep a revolver for the protection of his house and property during the past sixteen years, and produced good testimonials as to character on the occasion of his application for a licence; whether he is aware that the said James O'Callaghan, who has to travel to the different markets to buy goods, carries a large amount of money, and therefore may require his revolver for protection;

whether the ground for the resident magistrate's refusal to grant a licence to O'Callaghan, is that he received no threatening letter; and, whether this reason is sufficient?

MR. W. E. FORSTER, in reply, said, the licence to carry a revolver was not refused for the reason assigned, that he had not had a threatening letter, but because the licensing officer was of opinion that it was not necessary that the man should carry a revolver. He was informed by the Constabulary authorities that under a former Peace Preservation Act O'Callaghan had a licence to keep a revolver in his house, and the licensing officer informed him (Mr. W. E. Forster) that if the applicant obtained a certificate from a magistrate he should give the case his most careful consideration.

MR. PARNELL asked if it was to be understood that a magistrate's recommendation was necessary in applying for an arms licence?

MR. W. E. FORSTER said, it was not necessary; but it was advisable in certain cases. He did not think the House would be surprised to hear that in certain cases it was thought desirable that a magistrate's recommendation should be produced on an application for an arms licence. The licensing officer in question said that if such a recommendation were given the application would be carefully considered. No licence to carry a revolver was given to this person before.

ARMY DISCIPLINE AND REGULATION ACT, 1879—ENLISTMENT OF BOYS.

MR. GREER asked the Secretary of State for War, With reference to Article 663 of Royal Warrant, 1st May 1878, by which it is provided that

> "Boys of 14 years and upwards, specially enlisted under the Army Enlistment Acts of 1867 and 1870, shall reckon only such portion of their services towards pension as they may render after they shall have attained the age of 17 years,"

and to Article 81 "Army Discipline and Regulation Act, 1879," by which it is provided that a soldier of the Regular Forces may

> "Be re-engaged for such further period of army service as will make up a total continuous period of 21 years of army service, reckoned from the date of his attestation, and inclusive of any period previously served in the Reserve;"

and, whether, it being impossible, under these Articles, for boys between 14 and 17 years of age, specially enlisted under the Army Enlistment Acts of 1867 and 1870, to obtain a pension, he has yet had time to consider the necessity of altering "The Army Discipline and Regulation Act, 1879," so as to enable boys enlisting under 17 years of age to re-engage in order to enable them to complete 21 years' service from date of their attaining 17 years of age?

MR. CHILDERS: Sir, I am happy to be able to state to the hon. Gentleman that, after carefully considering this question, we arrived at the conclusion that after 21 years' service men enlisted as boys should be able to obtain a pension; and if he refers to the Revised Memorandum, at page 3, in the Note to Clause 14, he will see this decision recorded.

MR. GREER asked the right hon. Gentleman whether that decision referred to future enlistments, or was it to have a retrospective effect?

MR. CHILDERS: I cannot at this moment answer the Question; but it will be the rule of the Service.

PRISONS (INDIA).

MR. O'DONNELL asked the Secretary of State for India, If he is aware that the mortality among prisoners in gaol in Bengal, during the past year, has been everywhere throughout the Presidency excessively high, reaching in some instances 220, 280, and even 360 per thousand; whether he is aware that this fearful mortality is alleged to be mainly due to starvation on the prison diet; whether it is true that 8,223 prisoners have been flogged during the year for non-performance of allotted work; whether his attention has been called to statements in the "Bombay Gazette," "Calcutta Englishman," and other Indian papers, that

> "Prisoners who, from want of food, were unfit to labour, were dragged to the triangles and flogged by the thousand because they were weak and sick unto death on starvation rations;"

if these allegations be true, why he has not interfered; and, whether he has received any information from Sir Ashley Eden, the Lieutenant Governor of Bengal, upon the subject?

THE MARQUESS OF HARTINGTON: Sir, the Administration Report of 1879 of the gaols in Bengal contains the following statement:—

"The total number of deaths among convicted prisoners in gaols increased from 869 in 1877, 1,216 in 1878, to 1,679 in 1879, The ratio per cent of average strength in the three years was 5·06, 7·17, and 9·89."

The statement referred to by the hon. Member is taken from a list of gaols where the mortality was highest, beginning with Dinagepore, where the death-rate per 1,000 was 360, and ending with Sarun, where it was 108. Some of these gaols, however, received weak and unhealthy prisoners from other gaols for treatment; the mortality, therefore, cannot be said to be due to causes prevailing in them. The Lieutenant Governor of Bengal states that the chief cause of the increased sickness was the adoption of the diet scale proposed by a special conference of prison officers, and recommended by the Government of India, which scale was employed for nine months of the year 1879, and that, on its being discovered that the prisoners using this scale were unhealthy, a provisional change was at once made in the diet, and the health of the prisoners improved; and at the same time the Lieutenant Governor directed a special committee to take up the subject and prepare a suitable scale on the experience which has now been gained. It is true that 8,232 prisoners have been flogged in district and central gaols during the year 1879 for prison offences, and that non-performance of allotted work is the most frequent cause of such punishment. On receiving a resolution of the Bengal Government, dated July 20, 1880, in which this subject was dealt with among others, the Government of India, on August 27, 1880, expressed its concurrence in the views of the Lieutenant Governor as to the necessity of restricting the use of corporal punishment to the most serious cases, and desired to be furnished with any further remarks which the Lieutenant Governor might wish to make on this subject after receiving the special Report which had been called for from the Inspector General of Gaols. The Bengal Government replied to this reference, on the 20th of January last, in a letter, from which the following extract is taken:—

"The Lieutenant Governor is glad to be able to report that since the issue of orders in the early part of the past year—*i.e.*, 1880—drawing the attention of superintendents to the increase in the number of floggings, there has been considerable improvement. It appears from the statistics submitted by the Inspector General of Gaols that whereas, for the period from May to September, 1879, there were 3,722 corporal punishments, there were only 1,384 for the corresponding period in 1880. The Inspector General of Gaols has been directed to submit, in future, quarterly returns showing the number of corporal punishments inflicted on the convicts in each district gaol, and the knowledge that these returns will be submitted to Government will act as a powerful check upon gaol superintendents. The Lieutenant Governor has also under consideration the possibility of, in many cases, substituting for corporal punishment some forms of penal labour distasteful to the prisoners, but not hurtful to their health, and some forms of penal diet, which shall fulfil the same conditions."

Although, therefore, there is some inaccuracy and much exaggeration in the statements of Indian newspapers referred to, there is, I regret to say, some, and too much, foundation for them. The facts brought to notice have, as I have shown, not escaped the attention of the Government of Bengal, or of India; but the result of their inquiries has not yet been fully communicated to me, especially as regards the scale of prison diet. I have given directions that further information shall be at once furnished. I have just received a telegram from India, of which the following is an extract:—

"Regarding corporal punishment, the last reply from the local Governments was received yesterday. Regarding the diet scale in Bengal gaols, the report of the special committee is awaited. A telegraphic reminder was sent today. The Inspector of Gaols' report not yet received."

SCOTLAND (MOVEMENT OF ANIMALS) ORDER—IMPORTATION OF CATTLE INTO SCOTLAND.

MR. DALRYMPLE asked the Vice President of the Council, If he would state what is the present condition of restrictions upon the removal of cattle or sheep from the port of Liverpool to the West of Scotland or elsewhere?

MR. MUNDELLA: Sir, the Scotland (Movement of Animals) Order of May 26th prohibits the importation of any animal from England or Wales into Scotland either by land or water. This Order expires on June 30th; but I think it is highly probable, seeing that Scotland has enjoyed immunity from foot-and-mouth disease, that there will be a demand for its renewal, in which case the prohibition of imports into Scotland will, of course, be continued. I may add, to show the value of the restrictions we have imposed, that we have checked the disease in a manner hitherto unprecedented, and that there were more outbreaks in a single week in 1871 than the entire number reported since the outbreak of the disease in October last.

ARMY RE-ORGANIZATION—OFFICERS AND MEN.

Mr. H. H. FOWLER asked the Secretary of State for War, If he would state what will be the difference in the number of officers and men under the proposed scheme for Army Reorganisation as contrasted with the number of officers and men for the years ending 31st March 1874 and 31st March 1880; and, whether there will be any, and, if any, what increase in the ordinary expenditure for the Army under the new scheme as compared with the ordinary expenditure for the years ending 31st March 1874 and 31st March 1880?

Mr. CHILDERS: Sir, the first part of my hon. Friend's Question is more easily answered than the second. The Estimates of 1873-4 provided for 5,204 officers and 117,612 men, and those for 1879-80 for 5,166 officers and 122,611 men. The normal numbers when the scheme which I have explained to the House is in full operation will be 4,717 officers and 120,102 men. There will be also a reduction of officers on the Indian Establishment, the men being unchanged; the entire reduction of officers on the active list being 491, and on the active and retired lists together 2,135. With respect to charge, it is more difficult to give the result in a few words. We are now bearing a steadily increasing charge on account of officers and men who entered the Army more than 20 years ago, and no changes made now will for some time affect this part of Army expenditure. Thus, the entire charge for the *personnel* of the Army was in 1873-4 estimated at £6,800,000, and in 1879-80 £7,180,000, and that portion of it which refers to the pensions of long-service men will probably increase by £200,000 before it reaches its maximum. But, as I stated the other day, the ultimate reduction effected by my proposals on the charge for the *personnel* of the Army, compared with that charge under the Warrant now in force, is estimated at between £600,000 and £700,000.

Mr. ARTHUR O'CONNOR: Does that include the non-effective men?

Mr. CHILDERS: Yes, Sir.

DOMINION OF CANADA—RAILWAYS—BRITISH COLUMBIA.

Lord GEORGE HAMILTON asked the Under Secretary of State for the Colonies, If the attention of the Colonial Office has been directed to the constant complaints of the Province of British Columbia, that, although it is ten years since they were incorporated into the Dominion of Canada, the main condition by which they were induced to assent to such incorporation, viz.: the construction of a railway between the Pacific seaboard and the Canadian railway system has, in spite of frequent protests, not yet been commenced upon that seaboard; whether it is the fact that a very large portion of the most fertile part of Vancouver's Island, including very large coalfields, has for years past been transferred by Act of the Legislative Assembly to the Canadian Government at their request under the railway clause of the terms of Union to accelerate the construction through Vancouver's Island of the said line of railway; and, whether, under these circumstances, the Colonial Office have any intention of representing to the Canadian Government the necessity of complying, as soon as possible, with the terms of the Carnarvon settlement, which, with the sanction of the Secretary of State for the Colonies, were in 1874 agreed to both by Canada and British Columbia?

Mr. GRANT DUFF: Sir, my answer to the first two Questions must be in the affirmative. As to the third, I have to say that a gentleman representing the Legislature of British Columbia is at present in this country for the purpose of urging the views and claims of the Province; and after considering his representations and conferring with the Premier of the Dominion, now also in this country, Her Majesty's Government will decide whether any and what further action can properly be taken by them in connection with this matter.

ARMY (INDIA) OFFICERS OF THE LOCAL SERVICE.

Colonel BARNE asked the Secretary of State for India, Whether any memorials have been received from Lieutenant Colonels of the Local Service in India, complaining that their promotion to Brevet Colonel, under the terms of his predecessor's Military Despatch No. 180, of the 25th May 1865, has been withheld; and, if so, what reply has been given to the prayer; and, whether his predecessor's Military Despatch No. 180, of the 25th May 1865, is still in force, or whether it has been cancelled; if cancelled, on what date and by what authority?

THE MARQUESS OF HARTINGTON: Sir, no such Memorial appears to have been received in the India Office. The provisions of Sir Charles Wood's Despatch, 180, of the 25th of May, 1865, are still in force, and lieutenant-colonels of the Local Army continue as therein provided to qualify for the rank of colonel after the same period of service in the former grade that would entitle an officer of the Staff Corps to such promotion.

PARLIAMENT—RULES AND ORDERS—PETITIONS—THE BRADLAUGH PETITIONS.

BARON HENRY DE WORMS: Before I put the Question which stands in my name, I must ask the indulgence of the House to make an explanation in justification of the course which I took in not presenting a Petition to this House.

MR. LABOUCHERE: I rise to Order. I beg to ask whether the hon. Member is entitled to make any such explanation in putting his Question?

MR. SPEAKER: I cannot say whether or not the hon. Member is out of Order until I hear what he has to say.

BARON HENRY DE WORMS: I was going to say, when the hon. Member for Northampton interrupted me, that I wished to make an explanation in justification of the course I took in refusing to present a Petition on the ground of illegality, and to read a few words from a letter I have received to-day from the Association from which the Petition emanated. My ground was that the House had been treated disrespectfully by the allegation of illegality contained in that Petition. The words of the letter are as follows:—"In the first place, we not only impute that the House has acted illegally, but we affirm it." I therefore beg to ask the Chairman of the Committee on Public Petitions, Whether any Petitions in favour of the admission of Mr. Bradlaugh have been submitted to that Committee, and subsequently printed in the Report, in which the prayer of the Petition is expressed in these words—

> "Your Petitioners therefore pray that your honourable House will cause the Law to be obeyed and justice to be done, or that it will forthwith allow Mr. Bradlaugh to take his seat on his making a solemn affirmation;"

whether such words are held by the Committee to be disrespectful to the House; and, whether, in view of Mr. Speaker's recent ruling, the Chairman of the Committee on Public Petitions would submit such Petitions to the House for its consideration and decision?

MR. LABOUCHERE: Sir, perhaps my hon. Friend the Chairman of the Committee on Public Petitions will be good enough to say whether that Committee is aware that by a Statute of Richard II.—which has never been repealed—Mr. Bradlaugh is liable to fine and imprisonment for not taking part in the deliberations of this House after having been duly elected; and whether, considering this, together with the declarations of the Law Officers of the Crown, and the Prime Minister, and of many other learned Members of the House that he has a legal right derived from his election to take his seat, and that he cannot be deprived of this legal right by the Resolution of one branch of the Legislature, the prayer of the Petition that the House will cause the law to be obeyed, can be regarded as disrespectful? ["Order!"]

MR. SPEAKER: The hon. Member is putting a Question which does not at all arise out of the Question of the hon. Member for Greenwich (Baron Henry de Worms). It does not appear to me to refer to the same matter—that is to say, to a Petition which the hon. Member did not think proper to present to this House.

MR. LABOUCHERE: I think this will answer your objection, Sir. I wish to ask whether, under these circumstances, the Petition which the hon. Member presented—or rather did not present—asking that the House should cause the law to be obeyed and justice to be done, can be regarded as disrespectful, except upon the impossible assumption that this House does not wish the law to be obeyed or justice to be done?

SIR CHARLES FORSTER: At such short Notice, I cannot be expected to follow my hon. Friend the Member for Northampton into his historical researches; but perhaps the general reply which I shall give to the hon. Gentleman the Member for Greenwich (Baron Henry de Worms) will answer his purpose. It is true that Petitions have been submitted to the Committee over which I preside in which the words referred to appeared, and I may state that the majority of the Committee determined that these words are not disrespectful to the House. It is, however, only right that I should say that there were hon. Members in the Committee who took a different view. With regard to the last Question, I think the hon. Member labours under a misapprehension. I do not understand you, Sir, to make any ruling on the subject of these Petitions, but simply to state that the hon. Member, taking the view he did, was perfectly justified in refusing to present the Petition. But it is one thing for an hon. Member to refuse to present a Petition on the ground of disrespect to the House, and another thing to call on the House to reject the Petition. It would be a matter of regret if these Petitions, which are 168 in number, and contain 3,000 signatures, were rejected on the assumed ground of want of respect, which, after all, is imaginary. For myself, I have always held that the House should not press too far the doctrine of privilege; and though I never would pass any Petition which insults the House, or is wanting in respect, yet in doubtful cases I have always inclined to give my vote for the acceptance of the Petition. This question has already been twice considered, and I am not disposed to take any further action in the matter.

MR. ONSLOW: I should like to ask the Chairman of the Committee how many Members of the Committee were present when this matter was discussed? [*Cries of* "Oh!" *and* "Notice!"]

SIR STAFFORD NORTHCOTE: With reference to the language which has been used in the letter from which an extract has been read by my hon. Friend the Member for Greenwich, I would ask you, Sir, whether, in your opinion, after that construction has been put by some of the petitioners upon the language of the Petition, it would be right that Petitions of that character should, for the future, be received?

MR. SPEAKER: The Question of the right hon. Gentleman is a Question for the consideration of the House rather than for me, and I must leave it for the judgment of the House.

MR. ONSLOW: I really must press my Question; or, I will give the hon. Baronet Notice.

SIR CHARLES FORSTER: I should be very glad to give the hon. Member for Guildford the information he asks for if I could, but I have no data before me. If, however, the hon. Member will give Notice of his Question, I shall be very happy to answer it.

MR. LOWTHER: I think I can give the information. I believe there were only eight Members of the Committee present when the Petition was discussed.

ARMY ORGANIZATION—THE CITY OF LONDON REGIMENT—REGIMENTAL TITLES.

SIR EDMUND LECHMERE asked the Secretary of State for War, Whether, looking to the fact that the 7th Regiment (Royal Fusiliers), proposed to be called the City of London Regiment, has no connection, historical or otherwise, with the Metropolis, and that the officers and men of the 3rd Regiment (Buffs), proposed to be designated the Kentish Regiment, are very desirous of maintaining their intimate connections with the City of London (owing to the circumstance of their Regiment having derived its origin and special privileges from the old Trained Bands), there would be any objection to such an interchange of Depôts and Territorial Titles as would be mutually satisfactory to both Regiments?

MR. CHILDERS: Sir, I am sorry to say that the hon. Baronet is in error with respect to the greater part of the facts which his Question purports to place on record. The Buffs have been a Kentish regiment since 1782, and as such fought all the battles recorded on their colours. After the peace of Munster, in 1648, they were called the "Holland" Regiment, and in 1689 Prince George of Denmark's Regiment. At his death they were called the Buffs. They have never been called a London regiment, although it is the case that in 1572 there had been raised from the citizens of London a company of a regiment raised in different counties of England for service in the Netherlands, and which was the nucleus of four regiments reduced to the Holland regiment, as I have said, in or about 1648. The 7th Royal Fusiliers, so far from having no connection, historically or otherwise, with the Metropolis, was in 1685 raised by Lord Dartmouth in London and its neighbourhood, and part of it was long stationed at the Tower. This regiment holds strongly to its proposed title of "City of London," and, under the circumstances, I see no reason for making the suggested change.

Mr. WARTON asked the Secretary of State for War, whether he was aware that from 1572 the 3rd Buffs had the right of marching through the City of London with fixed bayonets, colours flying, and drums beating, without leave of the Civic authorities, a right of which they were particularly proud; and whether he did not consider that that fact gave them a better right to be called the City of London Regiment than the 7th Fusiliers, which was to be so designated?

Mr. CHILDERS said, that was a matter of opinion, and he should think not; and, as he had already stated, the regiment to which the hon. and learned Member for Bridport referred had been called a Kentish regiment for 100 years.

THE WESTERN PACIFIC—POWERS OF HIGH COMMISSIONER.

Sir MICHAEL HICKS - BEACH asked the Under Secretary of State for the Colonies, Whether Sir Arthur Gordon, who was appointed Governor of New Zealand about a year ago, still retains the office of Governor of Fiji and High Commissioner for the Western Pacific; whether the adequate performance of the duties of their offices must not be materially impeded by the distance and difficulty of communication between New Zealand and the Pacific Islands; and, whether Her Majesty's Government have considered the advantages that might accrue from uniting the office of High Commissioner with that of the Naval command on the Pacific Station?

Mr. GRANT DUFF: Sir Arthur Gordon is still High Commissioner for the Western Pacific; but Mr. Des Vœux is Governor of Fiji, although Sir Arthur Gordon still retains the supervision of certain Fijian questions, principally connected with Native affairs and the titles to land, of which subjects he has exceptional knowledge and experience. To the second Question it is difficult yet to give a positive answer. There are few facilities for communication between Fiji and the other islands of the Western Pacific, and Sir Arthur Gordon, who has a very deep interest in the work of the Commission, is, as at present advised, of opinion that he can perform his duties, which are, as the right hon. Gentleman knows, gratuitous, at least as well in New Zealand as in Fiji. The question whether the officer commanding Her Majesty's Naval Forces in the Pacific might not with advantage be invested with the powers and functions of the High Commissioner has been the subject of much consideration; but Her Majesty's Government have not been able to satisfy themselves that the impediments to such an arrangement can be overcome.

ARMY ORGANIZATION — THE ARMY (INDIA)—COMPULSORY RETIREMENT OF OFFICERS.

Sir ALEXANDER GORDON asked the Secretary of State for India, Whether the proposed rules with respect to the compulsory retirement of efficient Officers of the British Army will also be applicable to Officers of the Indian Army?

The Marquess of HARTINGTON: Sir, the question of the adaptation of the proposed rules to those officers who are under Indian retiring regulations is receiving careful consideration. I am unable to say at present what decision will be come to; but due regard will be shown to the interest of the Indian Services and to the guarantees given by Parliament. Provision will be made in the proposed Warrant enabling the Secretary of State for India in Council to issue such supplementary warrant or instructions as may be requisite to secure these objects.

PARLIAMENT—BUSINESS OF THE HOUSE—LAND LAW (IRELAND) BILL.

Mr. H. H. FOWLER asked the First Lord of the Treasury, Whether (having regard to the fact that during the last fortnight the House has been counted out on three nights appropriated to Private Members) the time has arrived when the Committee on the Irish Land Bill should be proceeded with from day to day in priority of all other business?

MR. HEALY wished, before the right hon. Gentleman answered that Question, to know whether he had not assented to setting aside the Irish Land Bill tomorrow, in order to proceed with the discussion on the re-organization of the Army?

MR. GLADSTONE: It is quite true, Sir, that we have given way as regards the Land Bill to the discussion on Army re-organization, in consequence of finding, after every effort to make other arrangements, that it was the only way in which an unconditional pledge we had given early in the Session could be redeemed—a pledge, too, by which we have already received considerable advantage in obtaining a Vote in connection with the indispensable arrangements of the Public Service. With regard to the Question of my hon. Friend the Member for Wolverhampton (Mr. H. H. Fowler), in the course of a day or two I hope to consult my Colleagues on the subject, and we shall certainly review the progress that has been made with the Land Bill, and endeavour to estimate what are the prospects for the future.

FRANCE AND TUNIS — PRIVILEGES AND IMMUNITIES OF DIPLOMATIC AGENTS.

SIR H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether he can state the authority on which he enumerated the privileges and immunities granted to the Representatives of Foreign Nations at Tunis; and, whether the words of Article II. of the General Convention of July 19, 1875,

> "Every mark of honour and respect shall at all times be paid and every privilege and immunity allowed to Her Majesty's Agent and Consul General, accredited to His Highness the Bey, which is paid or allowed to the Representative of any other Nation whatsoever,"

do not constitute a continuous obligation on the part of the Bey to pay and allow to Her Majesty's Agent and Consul General every additional mark of honour and respect and every additional privilege or immunity paid or allowed to the Representative of any other Nation whatsoever?

SIR CHARLES W. DILKE: Sir, the list of privileges and immunities, which I stated on being pressed on Tuesday last, was a list of the ordinary privileges and immunities of diplomatic Agents. These can be found in any text-book of International Law, to which I would refer the hon. Member. With regard to the second portion of the hon. Member's Question, if it is intended to raise points other than those to which, on two previous occasions, I have already replied, I would beg leave to say that I cannot be expected at 12 hours' notice to give the legal construction of clauses in Treaties on which questions may arise with other Powers. But, understanding that the Question is only a repetition of the Question put to me by the noble Lord the Member for Woodstock (Lord Randolph Churchill), I would reply as follows:—If by his Question the hon. Member means that the Bey is bound to make Mr. Reade a Minister of Foreign Affairs as well as M. Roustan, or that if the Bey gave an order to the Italian Consul, he is bound to do the same to the English Consul, I doubt his declaration being correct. If, on the other hand, the hon. Member means that the clause provides that equal marks of honour and respect and all privileges and immunities should be paid to the British Consul which are paid to other Consuls in their consular capacity, I think he is right.

RELIEF OF DISTRESS (IRELAND) ACT, 1880—FISHERY PIERS AND HARBOURS.

MR. ARTHUR O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Committee appointed last Session to apportion the money voted under "The Relief of Distress (Ireland) Act, 1880," for Piers and Harbours in Ireland, have yet made their Report; and whether he has any objection to lay a Copy of the same upon the Table?

MR. W. E. FORSTER: No, Sir.

ARMY—THE CURRAGH CAMP.

MR. ARTHUR O'CONNOR asked the Secretary of State for War, Whether his attention has been called to the Curragh Camp Brigade Orders, No. 8, of the 11th instant, directing that certain carmen shall not be engaged by the military stationed at the Curragh for having refused to give their cars to the police; whether the military authorities claim the right not only to prevent certain persons from having access to the "stands" within the precincts of the Camp, but also to prevent passage through the Camp by roads which are in all respects public roads; and, if so, under what statute; whether his attention has been called to the Curragh Camp Brigade Order, No. 8 (B), of the 11th instant, which says—

> "The house of Mr. Brown, publican, Eyre Street, Newbridge, is placed out of bounds, in consequence of his having refused to serve a carman who had driven members of the Royal Irish Constabulary in charge of a prisoner to Naas;"

and, whether he approves of the same?

MR. CHILDERS: I must appeal to hon. Members as to whether it is possible, with all my information-obtaining power, to procure details such as those referred to in this Question after only 12 hours' Notice? If the Question is put to me on Monday, I may be able to give an answer.

MR. ARTHUR O'CONNOR said, he would have pleasure in putting down the Question for Monday; but as to 12 hours' Notice only having been given to the right hon. Gentleman to obtain the information sought, he begged to state that he had read the Notice in his place on Friday last.

MR. CHILDERS: I appeal to the House whether the reading of such a Question can be regarded as an adequate Notice? Once it is seen on the Paper, I shall not be guilty of any delay.

MINISTER OF AGRICULTURE AND COMMERCE.

MR. R. H. PAGET asked the First Lord of the Treasury, If he will be good enough to inform the House what progress has been made in the formation of the distinct Department for the Administration of the functions of the Executive Government relating to Agriculture and Commerce, in accordance with the Resolution which was unanimously agreed to by the House on 13th May last?

MR. GLADSTONE: My right hon. Friend the President of the Board of Trade has paid every attention to this subject. The necessity of the attributions of Departments cannot be considered entirely isolated; but I may state generally that the subject shall be thoroughly examined during the Recess; and before we meet again we expect to have our views ready for the adoption and approval of the House.

PARLIAMENT—BUSINESS OF THE HOUSE—THE TRANSVAAL DEBATE.

SIR MICHAEL HICKS-BEACH asked the First Lord of the Treasury, Whether the Government had yet received the information they expected from Potchefstroom; and whether any time could now be fixed for the Transvaal debate? Of course, there would be no objection to postpone the debate if it would be injurious to the Public Service; but the opportunity of challenging a most important part of the Colonial policy of the Government should not be postponed for several weeks merely because time could not be spared from the discussion in Committee of the Irish Land Bill. Why should it not come on on a fixed day? If the right hon. Gentleman could not name a day, perhaps he would, at any rate, contradict a statement which had been made with some appearance of authority in the newspapers, that it would not be taken until after the conclusion of the Committee on the Irish Land Bill.

MR. GLADSTONE: Sir, there is no authority whatever for the statement which has appeared in the newspapers. No one was authorized to make such a statement. We have received accounts, if not of the absolute and formal completion, atleast the very near completion, of the measures taken in pursuance of what occurred at Potchefstroom. Therefore, on the understanding, as I said before, that the debate is desired, we do not wish to avoid it; but, with regard to the date, we shall be extremely desirous to finish the Committee on the Irish Land Bill. I will make this reservation, however, that the debate shall take place at a convenient time of the Session, when the House will be able to attend in large numbers without any difficulty; and I make it on the assumption and with the hope that we do not intend to spend many weeks on the further consideration of the Land Bill in Committee. Should that appear to be likely, it will be my duty to ask the

House to adopt some measure to accelerate the proceedings. I do not give any pledge; but I hope the very first available day after the conclusion of the Committee on the Irish Land Bill will be given to the right hon. Gentleman. That will be in the interval which necessarily elapses between the Committee and the Report, consistently with the exigencies of Public Business.

Sir STAFFORD NORTHCOTE: Sir, this Question has been on the Paper since before the Easter Holidays. It is one of great importance. Already considerable time has been lost on the representation of the Government that it is not convenient for the public interests that it should be discussed. That reason is no longer in force, and I hope we shall not be debarred from timely discussion on this matter. Even if it be impossible to finish the Committee on the Irish Land Bill as quickly as may be desirable, that need be no reason for setting aside a debate of the very highest importance on the Colonial policy of the Government.

Mr. GLADSTONE: I entirely agree to the fairness of what has just been said by the right hon. Gentleman opposite. I feel the difficulty in which the House is placed by the extraordinary pressure of Public Business; and if a very long delay takes place I shall expect a renewal of the inquiry before the completion of the Land Bill in Committee.

Sir MICHAEL HICKS-BEACH: The right hon. Gentleman, referring to the question to be discussed on Friday, stated that the Government had obtained the advantage of an important vote in the Army Estimates in consequence of the arrangement which had been come to. That was precisely the case with regard to this question. There has been no discussion at all.

Mr. GLADSTONE: The two cases are totally different. The pledge we gave with regard to the Military Estimates was in consideration of the House abstaining from discussion which might have been brought on at a given time, and which was withdrawn for the convenience of Public Business. But, as far as my recollection serves me, there has been no time at which the discussion on Transvaal affairs could have been taken without being positively injurious to Imperial interests. Members opposite might have discussed the question; but it would have been impossible for the Government to have taken part in the discussion.

LAND LAW (IRELAND) BILL, CLAUSE 5 —£100 TENANCIES.

Sir MATTHEW WHITE RIDLEY asked the noble Lord the Member for Calne, Whether he would state to the House what course he proposed to take with reference to his Amendment for the exemption of £100 tenancies from the operation of the Irish Land Bill?

Lord EDMOND FITZMAURICE: Sir, I have placed an Amendment on the Paper upon Clause 5, relating to the £100 tenancies, proposing to exempt them from the operation of the Bill. I wished by so doing to show that my own opinion on the subject was unaltered; and I have reason to know that many hon. Members on this side of the House agree with me in regard to it. But, considering the condition of Public Business, and that the £100 tenancies are, probably without exception, included among those holdings managed upon the English principle, the exemption of which was brought a few days ago before the Committee by my hon. Friend the Member for Great Grimsby (Mr. Heneage), I do not propose again to raise the question of their exemption, considering that the Committee has already expressed its opinion about it. Should I desire again to touch the question, a fitting opportunity can, no doubt, be found on the Report upon a general survey of the provisions of the Bill.

ARMY—THE VOLUNTEER REVIEW AT WINDSOR.

Mr. SCHREIBER asked the Secretary of State for War, What facilities would be given to hon. Members for seeing their constituents march past in the Volunteer Review in Windsor Park?

Mr. CHILDERS: The hon. Member has asked me a Question without Notice. The details of the arrangements for the Review at Windsor Park are not under my control; but my impression is that Members of the House will have to take their chance with the rest of the public.

INDIA—COMMISSION OF INQUIRY.

Sir DAVID WEDDERBURN asked the Secretary of State for India, Whether he has considered the proposal to appoint a Commission of Inquiry, limited as to area and subject, to take independent Native evidence upon certain questions in India; and, whether he is disposed to take a favourable view of such a proposal?

The Marquess of HARTINGTON: Sir, the proposal emanated from a body of British gentlemen whose opinions are entitled to the highest consideration. I am afraid I can hardly, within the limits of an answer to a Question, point out all the circumstances that have to be taken into consideration when a proposal such as this is made to appoint an independent inquiry. The Government of India had been carefully watching the matter; but attention to it was necessarily suspended till the conclusion of the war. I could not press them unduly in regard to an inquiry such as this.

LAND LAW (IRELAND) BILL—COPY OF THE BILL AS AMENDED.

Mr. CALLAN asked the Prime Minister, If he will direct that a copy of the amended Land Bill should be placed in the Library for reference?

Mr. GLADSTONE, in reply, said, that, having regard to the number and importance of the provisions of the Land Bill, he thought it would be for the convenience of the House that a reprint of the first four clauses of the measure should be made, and it would be made accordingly, not under his directions, but under those of the authorities of the House; and, in addition to that, he hoped it would be found practicable to place in the Library a copy of the Bill showing the further alterations that were made from day to day, so that hon. Members might consult it.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [THIRTEENTH NIGHT.]

[*Progress* 21*st June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 4 (Incidents of tenancy subject to statutory conditions).

Mr. BRODRICK, in moving, in page 5, line 5, after the word "landlord" to insert the words "formally given," said, that the Amendment was not altogether different from the Amendment which was discussed at the close of the last Sitting on the Motion of the hon. and learned Member for Bridport (Mr. Warton), and which was sprung suddenly upon the Committee at a time when it was impossible to consider it thoroughly. He hoped that Her Majesty's Government would see that there was a real principle involved in it. He had brought the Amendment forward with the view of preventing future litigation. The state of the law under the Bill would be simply this — that the tenant might get the leave of the landlord to sub-divide his holding. But it was desirable that there should be no future difficulties as to the consent of the landlord; and any future difficulty might be avoided by having witnesses. It would then be impossible for the landlord, or the landlord's successor, to raise the question 10 or 12 years afterwards, because the tenant would have the power of calling a witness to show that the permission was given to him. He would remind the Government that this provision would only apply to a very small part of a holding, and that it was calculated to prevent unnecessary litigation.

The O'DONOGHUE said, he rose to a point of Order. He wished to ask if the Amendment was not substantially the same as that which had already been moved by the hon. and learned Member for Bridport (Mr. Warton) and negatived by the Committee?

The CHAIRMAN: As I understand the Amendment already decided, it was that the consent should be given in writing. The words of the present Amendment are that the consent shall be "formally given;" and, therefore, there is a substantial difference.

Mr. BRODRICK said, the hon. Member for Tralee (the O'Donoghue) forgot that the point now contended for was not that there should be a notice in writing of the consent of the landlord, but that there should be a notice of some kind, so as to prevent, 10 or 12 years afterwards, any contention that the tenant had rightly exercised the permission given to him. He thought there should be some security for the tenant after the permission had been given.

Amendment proposed, in page 5, line 5, after the word "landlord" to insert the words "formally given." — (*Mr. Brodrick.*)

MR. GLADSTONE: I must say that the Amendment already disposed of would be very much better than the one now proposed. I think it would be more satisfactory to provide that the consent of the landlord should be in writing than that it should be "formally given." But the position which we take up on this matter is that, if anything can be intrusted to the Court, it is perfectly plain that this is a power which it ought to exercise. There is a clause already in the Bill which I think the hon. Member for West Surrey (Mr. Brodrick) can scarcely have noticed—namely, Clause 42, page 24 of the Bill, in which it is provided, among other things, that the Court shall deal with the mode in which the consent on the part of the landlord, agent, or other persons, may be signified under the Act.

MR. MACARTNEY regretted that the proposal made by the hon. and learned Member for Bridport (Mr. Warton) was not adopted the other evening, and hoped that the Government upon Report would be induced to re-consider the matter:

THE CHAIRMAN: The hon. Member is not in Order. This question has already been decided by the Committee, and cannot be now re-opened.

MR. MACARTNEY said, he only wished to say that there would be very great difficulty unless some plain and simple mode was devised of ascertaining whether the consent of the landlord had been given or not. Half-a-dozen witnesses might come forward and swear that the consent had been given, whilst the only witness who could prove that the consent had not been given might be dead.

MR. CHAPLIN agreed that it would have been very much better to have accepted the Amendment of the hon. and learned Member for Bridport (Mr. Warton), which required that the consent of the landlord should be in writing. But, unfortunately, that proposal had been rejected by the Committee, and, as they could not have the best of two things, they must have the worst. He certainly thought it was desirable that there should be some record of the mode in which the sub-division of a holding was given. It was all very well for the right hon. Gentleman the Prime Minister to point out that in Clause 42 the Court was to deal with the mode in which the consent on the part of the landlord, or his agents, or other persons should be signified under the Act; but he thought there ought to be some record in order to guide the Court, and he understood that that was the object of the present Amendment. As the Bill was now drawn, no provision was made for any record whatever of the consent of the owner to the sub-division of a holding.

MR. GIBSON thought there was a great deal of force in what the right hon. Gentleman the Prime Minister said, and that it was quite fair that the power in this matter should be left to the tribunal to make rules upon. But he wished to point out that in most cases where the Court was to make rules the word "prescribed" was mentioned in the Bill; and, therefore, he thought there could be no objection to the words "consent of the landlord given in the prescribed manner."

MR. GLADSTONE said, he saw no objection to the insertion of the words suggested by the right hon. and learned Gentleman opposite (Mr. Gibson).

MR. BRODRICK said, that under these circumstances he had no objection to withdraw his Amendment.

MR. WARTON thought that considerable danger would arise if they left too many things to the determination of the Court. He certainly knew that in some cases the provisions of the Judicature Act had been completely overruled by the rules laid down by the Court. He, therefore, did not think it desirable that everything should be left to be framed by rules, especially as it was most likely that they would see nothing of such rules until the middle of next year.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 5, line 5, to insert, after the word "landlord," the words "given in a prescribed manner."—(*Mr. Gibson.*)

MR. BIGGAR said, he rose to a point of Order.

THE CHAIRMAN: Order, order! There is really no Question before the

Committee. An Amendment has been proposed by the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) to insert, after the word "landlord," the words "in the prescribed manner."

Question proposed, "That those words be there inserted."

MR. BIGGAR said, he understood that the Question before the Committee was that the Amendment of the hon. Member for West Surrey (Mr. Brodrick) should be withdrawn. He was not aware that the Amendment of the hon. Member for West Surrey had, as yet, been withdrawn.

THE CHAIRMAN: I must inform the hon. Member for Cavan (Mr. Biggar) that that Amendment was withdrawn, and it is now proposed to insert these words.

MR. BIGGAR said, the 42nd clause applied to rules which might be framed under the Bill for carrying the Act into effect. It seemed to him that the words "in the prescribed form" were not at all necessary. The practical result of introducing these words would be that every one of the conditions would be likely to give rise to more or less litigation owing to some negligence in regard to a mere matter of form. In consequence, much practical injustice might be done. How was the tenant farmer to know what was the nature of the forms prescribed by the Land Court in a matter of this kind? The farmer went to his landlord, and the landlord said, in direct terms—"I give you leave to divide your holding." The tenant would, very naturally, go and do so, and the landlord might afterwards say—"True, I gave you verbal consent, but I did not do it in the prescribed form; and I will, therefore, take advantage of that fact." This clause gave the landlord the power of entirely destroying the tenant's interest in the holding simply because he had acted contrary to some stipulation contained in the Bill, and of which stipulation he was entirely ignorant. He, therefore, thought that the Government would do well not to agree to this Amendment.

MR. R. H. PAGET said, he had a question to put upon this point which he thought was one of very considerable importance. It was of the highest importance that any arrangement between the landlord and tenant should be perfectly clear, and that it should not give rise to any future litigation. The point he wished to bring before the Committee was this—In the case of a future tenancy where, owing to a rise of rent, a statutory term was proposed and statutory conditions were imported, and the rise of rent being assented to by the tenant, what would be the state of the agreement between the landlord and the tenant? He assumed that there was no desire to take any advantage and the increase of rent agreed to. Was the original agreement between the landlord and tenant to remain in force, or was a new agreement to be made? This was a case which might be of frequent occurrence in the future, and it was of the utmost importance to have it inquired into now.

THE CHAIRMAN: The hon. Member is not speaking to the Amendment before the Committee. The Amendment before the Committee is whether the words "in the prescribed manner" shall be inserted.

MR. R. H. PAGET said, he was endeavouring to draw attention to the necessity for a legal definition of the arrangement between landlord and tenant, especially where there were any arrangements which were not consistent with the statutory conditions under the Bill.

THE CHAIRMAN: The Question before the Committee at this moment is simply whether the consent of the landlord should be given to sub-letting "in the prescribed manner." The Question is that these words be here inserted.

MR. P. MARTIN said, he objected to the introduction of these words. He thought they were highly objectionable. The words "written consent" were words everyone understood; but the Committee had already negatived those words, and he trusted that they were not going now to add the words "in the prescribed form." It must be recollected that this prescribed form was a form which it was wholly impossible that the tenant should know, unless he was acquainted with the rules which might be laid down by the Land Commission; and under circumstances of this character there might be a Common Law forfeiture of the tenant's interest by reason of his ignorance of some form which the Land Commission might prescribe. He trusted that the Committee would not consent to the Amendment. He should prefer that the question should be dealt with on the Report, and that the words "written consent" should be inserted. They were undeniably preferable to the words now proposed, and he hoped that the Government would meet the question boldly.

An hon. MEMBER: The words are "in the prescribed manner," and not "in the prescribed form."

MR. P. MARTIN said, those words, though less objectionable than the words "in the prescribed form," were still open to many objections. A landlord might allow a tenant to do a thing by acquiescence. For instance, the landlord might be living on the spot, and see the tenant about to sub-let without expressing anything more than a verbal consent to the transaction. Under circumstances of that character, would they propose that the tenant's holding should be liable to forfeiture under this Common Law condition, and that he should be left subject to an ejectment brought against him by the landlord? He admitted that the Equity Section, which came in a subsequent part of the Bill, might materially mitigate many of these hardships upon the tenant; but he thought that the Committee ought to so frame this clause as to prevent, so far as might be possible, the insertion of vague words likely to occasion litigation, ill-feeling, and irritation, and ought not to leave everything to this Equity Section. He trusted that the Government would carefully consider the matter before they hastily accepted the counsel which had been given by the right hon. and learned Gentleman opposite (Mr. Gibson).

MR. O'CONNOR POWER said, he had been very much struck by an observation of the hon. and learned Member opposite (Mr. P. Martin). He wished the Committee to consider this point—who was most likely to make a legal mistake, the tenant or the landlord? They were asked to guard the landlord against the consequences of a legal mistake on his part; but the probability was that the landlord would take care not to give his consent except under conditions which were of a satisfactory character. There was no necessity to protect the landlord by saying that his consent should not be acted upon, unless it was given in a specified manner. On the other hand, a large number of the tenant farmers of Ireland belonged to a class of people who were not likely to become acquainted with the manner in which the Court would prescribe rules for obtaining the consent of the landlord. He would suppose a case—namely, that of an illiterate small farmer. He went to his landlord and asked the lannlord to allow him to sub-let. The landlord patted him on the back, or shook him by the hand, and said —"Yes, certainly." The poor man went away, and for anything he knew he had got the full consent of his landlord. But, as there was no provision in the Bill for a case of this kind, the tenant would find that by carrying out a subdivision afterwards he would have forfeited his farm. Therefore, very serious difficulties might arise, unless there be an arrangement, by some simple means, to meet a case of this kind, so as to bring the knowledge home to every tenant in every part of Ireland.

MR. W. H. SMITH said, he thought it was not desirable to pursue this matter further. It would be necessary to deal with it under the 42nd section of the Bill; and his right hon. and learned Friend the Member for the University of Dublin (Mr. Gibson) was prepared to withdraw the Amendment and raise the question afterwards. He (Mr. W. H. Smith) thought the argument of the hon. Member for Mayo (Mr. O'Connor Power) was a very strong one, and there was no doubt that there should be some mode prescribed in which the landlord's consent should be given. The instance suggested by the hon. Member was an illustration of what might arise to a tenant in consequence of no formal consent being given. It was quite clear that a mere parole consent might cause the interests of the tenants to be very seriously prejudiced. His right hon. and learned Friend was therefore willing to withdraw his Amendment for the present.

Amendment, by leave, *withdrawn.*

THE CHAIRMAN: The next Amendment stands in the name of the hon. Member for Cavan (Mr. Biggar); but I must remind him that under the Devolution Clause—Clause 2—the question was very fully discussed as to the sub-division of holdings up to £15, and negatived after a division. I do not know whether, under these circumstances, the hon.

Gentleman intends to raise the question again.

Mr. BIGGAR said, the two cases were very different. In the one case, it was provided that if a tenant wanted to sell part of his holding and the landlord refused his consent the sale would be invalid, and the tenant would hold the same tenancy he possessed before. In this case, he proposed to provide that the tenant should not, without the consent of his landlord, sub-divide or sub-let his holding, so that either part should be of less value than £15. The penalty in regard to selling part of the holding under the previous clause was a very heavy one, and a sale could not take place without the consent of the landlord. The landlord had simply to say—"I will not consent to the sale," and the proposed purchaser would, in that event, decline to fulfil his part of the contract and refuse to pay the money. In this case he did not propose to raise any question with regard to sub-letting. But he did think that with regard to sub-dividing, the punishment, as it stood in the Bill, for doing that without the consent of the landlord was very severe. If a tenant held a large holding, and was anxious to divide part of it among other members of his family, he ought to be allowed to do so. He would, therefore, move his Amendment.

Amendment proposed, in page 5, line 6, after "sub-divide," insert "so that either part shall be for a less value than fifteen pounds."—(*Mr. Biggar.*)

Mr. GLADSTONE: I think the hon. Member for Cavan (Mr. Biggar) is technically entitled to raise this question, because it is technically different from that which has already been decided. But our arguments against the former Amendment proposed under the devolution and sale of the tenant right hold in all their force and all their breadth against this proposal. We should certainly not be willing to admit, except in very special cases, the general principle of the right of sub-division.

Mr. A. M. SULLIVAN felt that the question had already been decided, although in a manner which he thought was very deplorable. He had himself an Amendment very much to the same effect as this a little lower down; but he did not intend to move it, for the same reason which induced him to ask his hon. Friend the Member for Cavan (Mr. Biggar) not to proceed with his Amendment—namely, that the question really had been practically disposed of. As the Government opposed the Amendment he thought there ought to be an end of the matter.

Mr. LEAMY said, those who represented Irish constituencies were of opinion that, in the interests of the Irish tenants, they should take every opportunity they could of showing that they were opposed to the consolidation of holdings in Ireland. There could be no doubt that this Bill would tend very materially towards the consolidation of holdings, and the only way in which they could meet this evil was by making provision for sub-division. It must be borne in mind that the farmers who had been ruined by foreign competition were not the small formers, but the large ones.

Mr. BIGGAR said, the practical result of passing the Bill as it stood would be that the population of Ireland would be diminished by at least 1,000,000 during the next 25 years, and that was a result which he and other hon. Members who represented Irish constituencies did not wish to bring about. They did not want to drive the people away; but, on the contrary, to increase the population of the working farmers, and that was the very class which his Amendment proposed to make provision for. In the country which he represented, at least half of the farmers were rated at less than £5 a-year. He did not wish to bring the principle of sub-division below a certain point; but he did think it might be allowed down to a reasonable point. The clause, as it stood, proposed to put a heavy penalty upon the tenants, and considerable difficulty might arise to the farmer who might hereafter give up a part of his farm to one of his sons, as the landlord might regard it as a case of sub-division, and the result, in the end, would be the forfeiture of the holding.

Mr. GIVAN remarked, that he had an Amendment lower down on the Paper to provide that if the landlord should unreasonably refuse his consent, the Court might, in the case of holdings containing 30 acres and upwards, and the rateable value of which was not less than £15, grant such consent and make such order as to the Court should seem just. Perhaps, under these circumstances, the hon. Member for Cavan (Mr. Biggar) would withdraw his Amendment until the proposition which he (Mr. Givan) had to make could be laid before the Committee.

MR. BIGGAR said, that as the Amendment of his hon. Friend the Member for Monaghan (Mr. Givan) was of a similar character to that which was now under consideration, he was quite ready to withdraw it in favour of that of his hon. Friend.

Amendment, by leave, *withdrawn.*

THE CHAIRMAN: I may state now, for the information of the Committee, that it is impossible to put the two next pages of Amendments in the order in which they have been printed. I would, therefore, ask the Committee to be good enough to trust me, and I will put them in proper order. The next Amendment in order is that which stands in the name of the hon. Member for Mid Lincolnshire (Mr. E. Stanhope).

MR. E. STANHOPE, in moving, in page 5, line 6, after "holding," to insert—

> "Or enter into partnership with any person as to his tenancy or the cultivation or management of his holding,"

said, his Amendment had been placed on the Paper before he saw that of the right hon. Gentleman the Chief Secretary for Ireland; but he did not desire to anticipate or to take away anything from the discussion which would hereafter take place in regard to the question of sub-division. He thought they were all substantially agreed in the desire that sub-letting should be checked, and that the tendency should be as far as possible to prevent sub-letting. He therefore proposed after the word "holding," to insert words that would prevent any evasion of the principle of sub-letting by entering into partnership.

Amendment proposed,

> In page 5, line 6, after "holding," insert "or enter into partnership with any person as to his tenancy or the cultivation or management of his holding."—(*Mr. E. Stanhope.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: A tenant will have no power to enter into a partnership. By entering into a partnership he would constitute the person he took as a partner a part tenant, and he cannot do that under the provisions of the Bill. Therefore, there is no necessity for this Amendment.

MR. O'CONNOR POWER asked if the Bill would prevent a man from employing another to manage his farm? The words of the sub-section of the clause as they stood were—"A tenant shall not, without the consent of his landlord, sub-divide or sub-let his holding"; and the Amendment, as he read it, would prevent a tenant from engaging a manager to cultivate his farm. He hoped the Committee would not accept the Amendment, which would impose a very great restraint upon the action of the tenant farmers.

MR. PARNELL asked the right hon. and learned Gentleman the Attorney General for Ireland whether that was a correct interpretation of the Bill—namely, that a tenant would not be permitted to enter into a partnership with any person? Because, if that was so, he thought that such an interference with the rights of the tenants would be most injurious to the proper cultivation of the soil. In the case of grazing land, there were many tenants who might not have a sufficient amount of capital to cultivate their holdings properly, and they would, consequently, be unable to produce the full amount of food which their holdings were capable of producing. If the effect of the Bill would be to prevent a tenant from entering into a partnership, he apprehended that it would be a very important restriction, and one upon which he should certainly wish to move an Amendment, in order to take the sense of the Committee. The distinction between entering into a partnership and a joint tenancy and a sub-divided tenancy was very clear, and what he held was that a holding cultivated by two tenants jointly was not a sub-divided holding, but a holding held in partnership; and the question of partnership was entirely separate and distinct from the question of sub-division. He wished to know, therefore, from the right hon. and learned Gentleman the Attorney General for Ireland if this was really the construction of the Bill, and whether, if a tenant entered into a partnership with regard to the cultivation of his holding, he would alienate his rights?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it would not be competent for a tenant to create a joint tenancy in his holding after the passing of the Bill any more than it was at present. The result of a joint tenancy would be that the landlord would be quite uncertain which of the joint tenants would survive. It would be impossible to say who would ultimately be responsible to the landlord. In point of fact, it would be allowing transfer of tenancies without the consent of the landlord.

MR. E. STANHOPE said, a very curious construction had been placed upon his Amendment. It was suggested that it would prevent a farmer from employing a manager. He had no intention of the kind, nor did he think that the Amendment would have any such effect. At the same time, after what had taken place, he would not put the Committee to the trouble of dividing, but would withdraw the Amendment.

MR. MARUM asked the right hon. and learned Gentleman the Attorney General for Ireland if, under the clause, it would not be competent for the tenant to enter into an equitable arrangement for a partnership which would have an equitable claim in regard to the rights of a tenancy?

MR. LALOR wished to put a question to the Government with regard to present tenancies. He knew as a matter of fact that there were a large number of joint tenancies at the present moment. Now, supposing one of those joint tenants died and left a family, were his children to be shut out of the tenancy under the provisions of the Bill?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, there was nothing in the Bill to prevent a tenant employing a manager of his farm, nor was there anything to preclude arrangements which did not purport to affect the legal title to the tenancy. He understood the hon. Member to speak of what were technically and strictly speaking joint tenancies, and these would not be possible any more then than at present.

MR. LEAMY understood the question put to the right hon. and learned Gentleman the Attorney General for Ireland to be this—whether, where a joint tenancy existed at present, and a tenant died and left his farm to his children, the landlord would be entitled to object to the survivor?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) was understood to reply in the negative.

Amendment, by leave, *withdrawn.*

MR. GIVAN, in moving, in page 5, line 6, after the word "holding" to insert—

> "But if the landlord shall unreasonably refuse such consent, the Court may, in the case of holdings containing thirty acres and upwards, and of the rateable valuation of not less than fifteen pounds, grant such consent and make such order in relation thereto as to the Court shall seem just,"

said, this Amendment was somewhat different from that of the hon. Member for Cavan (Mr. Biggar), and he thought it was worthy of consideration. He was free to admit that it might be dangerous to give power to a tenant to sub-divide his holding; but if the power was vested in the Court, he did not think it was likely to be exercised in an objectionable manner. It was admitted that Ireland at present was under-populated, and that it was desirable there should be an increase in the population. In several parts of the country during the last 20 years—at all events, since the passing of the Act of 1870—there had been an enormous consolidation of farms, and, as he considered, an unnecessary consolidation of farms. Although the consolidation might be a legitimate act on the part of the landlord, still there were some landlords who had carried out this consolidation to an excessive extent, and to the detriment of the tenants and of the country. Therefore, what he respectfully submitted to the Committee was this—that, when it was proposed to give extensive powers to the Court, they should also give power to deal with cases where the landlord unreasonably refused to give his consent to the sub-division of a holding. He had inserted in the Amendment a provision that the holdings thus dealt with should not be less than 30 acres, and of the rateable value of not less than £15; and he believed that, in the case of such holdings, the exercise of the power he proposed to intrust to the Court would operate in a most satisfactory manner. Therefore, without further prefatory observations, he would ask the Committee to consent to the insertion of this Amendment, and to enact a provision which, he believed, would work well.

Amendment proposed,

In page 5, line 6, after the word "holding," to insert the words "but if the landlord shall unreasonably refuse such consent, the Court may, in the case of holdings containing thirty acres and upwards, and of the rateable valuation of not less than fifteen pounds, grant such consent and make such order in relation thereto as to the Court shall seem just."—(*Mr. Givan.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE: I certainly think that the provisions of the Bill, as they have been adopted by the Committee, will relieve whatever temptation there may have been under the particular terms of the Act of 1870 to consolidate holdings. But the question raised in this Amendment is, I think, of quite a novel character, having regard to the general character of the Bill. My hon. Friend argues, and states justly, that the Court is invested with very great powers over a holding. He says—"Why not invest the Court with large powers to divide the holdings under fair conditions where the landlord unreasonably refuses his consent?" Now, I think that we might trust pretty well to the landlord's own interest in the sub-division; but, beyond that, it will be seen that the power of the Court under the Bill as it stands is in every case confined to the care of a particular holding, and the conditions under which that holding is to be dealt with. If we go beyond that and say the Court is to have the power to make a holding more than a holding, we raise a very much broader question—namely, whether the Court is to become the manager of the estate. We are, undoubtedly, introducing or giving to the Court very novel powers, and we are giving the Court not only efficient and powerful action, but are very strictly limiting it to the conditions of the holding; and my objection to the present Amendment is that it extends also to the management of the holding.

Sir JOSEPH M'KENNA thought that the Amendment proposed by his hon. Friend was very obscure. It ran thus—

"But if the landlord shall unreasonably refuse such consent the Court may, in the case of holdings containing not less than thirty acres and upwards, and of the rateable valuation of not less than fifteen pounds, grant such consent and make such order in relation thereto, as to the Court shall seem just."

His hon. Friend, however, said nothing as to the extent to which a holding might be diminished; and he (Sir Joseph M'Kenna) saw great danger in the clause being made use of for the purpose, practically, of securing sub-letting. For instance, in the case of a holding of 30 acres, it might be ordered by the Court to be cut up into holdings of one acre each, making 30 separate holdings of 30 separate acres. Therefore, although he did not altogether object to the principle of sub-division, he should certainly object to the Amendment of the hon. Member.

Lord ELCHO said, he would like to hear an explanation of what the hon. Member meant by "unreasonable refusal." What would the hon. Member consider to be an unreasonable refusal?

Mr. GIVAN would answer the noble Lord in this way. Take a farm of 200 acres at a low rent, of which 100 acres had been reclaimed through the industry and judgment of the tenant and two or three of his sons. Well, those sons grew up, and they must either have a farm or go to America. In such a case the tenant, becoming old and unfit to manage the farm, proposed to divide it, leaving himself some 40 or 50 acres, and giving the rest to his sons. But the landlord refused his consent. He would consider that an unreasonable refusal, detrimental to the interests of the tenant and his family, and detrimental also to the interests of the country.

Mr. GREGORY said, he objected to the Amendment, because he thought that it would have a tendency to re-introduce that horrible system of middle men which had existed in bygone years, but had, happily, been now got rid of in Ireland. If a man were authorized to obtain possession of a holding and let it out in small portions, he would be, to all intents and purposes, what the middle man was in Ireland, and it would be a return to that system which, in his opinion, was one of the greatest inflictions the country had ever suffered from.

Mr. MARUM said, he wished to point out to the Prime Minister that the only argument which the right hon. Gentleman had advanced against the proposition was this—that he objected to the Court assuming the function of dealing with any particular holding, or the dividing of it into any number of holdings. But in another paragraph of the Bill the right hon. Gentleman would see it was provided that if the Court was satisfied that it would be for the good of the holding it might make rules for the benefit of the estate. What this Amendment said was that the consolidation of holdings should be deprecated wherever it could be shown that it would be injurious to the community at large. The Amendment merely gave a discretionary power to the Court not to shut out the tenant where the landlord unreasonably refused his consent to a sub-division. It was to the interest of the landlord that he should get as much rent as possible out of his estate, and in his (Mr. Marum's) opinion he would obtain more by having a large number of tenants. It was, therefore, desirable to give the Court the power of dealing with estates so as to secure, in the interest of the landlords, the greatest benefit that could be got from them. But, at the same time, the Court would not be allowed to carry out this object without having reference to the advantage of the community at large. It was quite impossible to make headway against the idea that sub-division would be very injurious in Ireland. In the southern portion of the county which he had the honour of representing, in the neighbourhood of the town of Waterford, there were a large number of small holdings. His right hon. and learned Friend the Member for the University of Dublin (Mr. Gibson) had frequently been upon that Circuit and would be able to corroborate him when he said that these holdings were extremely small, not more than 10 or 15 acres in extent. A holding of 20 acres was considered a large holding. The land was very good land; but it had been made good by artificial means, by utilizing the River Suir, and the facilities which were afforded for manuring the land. Now, a very great number of the occupiers of that county, certainly one-third of them, were men who were very well off, and men who possessed a great deal of capital, who managed their farms well, notwithstanding that they were extremely small. He mentioned this as an instance to show that small holdings were desirable if the land was good. Of course, there might be a great tract of some hundreds of acres in a wild mountainous country upon which no family could maintain themselves; but he thought there was a very improper and unnecessary prejudice against the sub-division of land. He had been a practical agriculturist for a considerable portion of his life. He had managed over 2,000 acres of land, and therefore had some knowledge of the subject, and he was able to say that it was a great mistake to prevent the sub-division of a holding within reasonable limits. In Ireland they could not avail themselves of machinery as they could in America. In America there was no agriculture at all; it was only a man and a machine. In Ireland it was very different. It was a very rugged and tenacious soil. The climate was uncertain, and it was impossible they could avail themselves of machinery to the extent that was done in more favourable climates with better soil. He was sorry to say that scientific husbandry was rapidly going out in Ireland and falling into decay. In point of fact it was going to the dogs, and one of the reasons was that the population had been swept away, and they could not have scientific husbandry without an adequate population. They might get it on the Continent and in America; but in Ireland every practical agriculturist knew that the leaving of the population and the results of emigration had been the death knell of scientific husbandry. If this Bill was not perfectly illusory, the first effect of it would be to create a considerable demand for labour, and there would be a rise of wages of 10 or 15 per cent. Hon. Members who were anxious for the Emigration Clauses would find them quite unnecessary, as instead of emigration being promoted it would be found that the congested districts would be obliged to give up their surplus population, and that even then there would not be a sufficient number for the proper cultivation and improvement of the soil. At the present moment the population was far too small for the adequate cultivation of the soil, and, worse than that, all the young fellows were either going away, or had already gone, so that the farming of the country was left to the old and the decrepid. He certainly thought the Committee would be taking a step in the wrong direction if they promoted emigration and restrained sub-division. If there was any chance of the Government re-considering the question, and if they could see their way to the adoption of the principle of sub-division, he believed it would be of the greatest advantage to Ireland. They need not then have any anxiety about the future of the agriculture of Ireland. The agriculture of Ireland would take care of itself. They had no commercial interest there, but they had to stand or fall by the land. All their interests and sympathies, therefore, ought to be with the tenants, and he was not yet without hope that the Committee would be induced to take a non-Party view of the question, and allow some reasonable sub-division. Time would prove whether he was right or not.

MR. LITTON said, he wished to call attention to the fact that there was an Amendment on the Paper standing in the name of the Chief Secretary for Ireland which also introduced novel principles into the Bill. He, therefore, could not see any force in the objection of the right hon. Gentleman the Prime Minister that the present Amendment introduced a novel principle. If a novel principle was objectionable in one part of the Bill it was equally so in another. The principle introduced by the Amendment of the Chief Secretary for Ireland was that the letting of portions of land for the use of labourers employed in the cultivation of the soil should not be deemed a sub-letting for the purposes of the Act. It would, therefore, seem that the question was not one of principle, but of degree; and as regarded degree he apprehended that it would be of the strongest possible advantage to adopt this clause, or some similar clause, if the Committee would make it an enabling clause. It did not authorize the tenant in any respect to sub-let the land except with the consent of the Court; and it was to be presumed that the Court would be competent to know when it ought to give consent and when it ought to withhold it. There were many cases, he thought, in which a tenant might reasonably ask for a concession of this kind without any detriment to the landlord's interest. If a tenant was able to satisfy the Court that there were reasonable grounds for a division of the land, and that he had applied to the landlord for his consent, and had been unreasonably refused, the Court ought to have power to deal with the case. He should, therefore, vote for the Amendment if his hon. Friend the Member for Monaghan (Mr. Givan) pressed it to a division.

MR. GORST desired to make one or two remarks for the purpose of saving the time of the Committee. He was astonished that hon. Gentlemen opposite from Ulster, whilst professing a desire to see this Bill passed into law, should practically obstruct its progress by raising for the fourth time a long debate on a question upon which the Government and the Committee had already given a decision. No doubt, technically, the Amendment was in Order, because it raised the question on a different point from that on which it had been raised before; but every argument on which it had been supported, and every argument with which it had been met by Her Majesty's Government, had already been laid before the Committee three times. He, therefore, hoped that the hon. Member for Monaghan (Mr. Givan) would imitate the example which had been set by the hon. Member for Cavan (Mr. Biggar), and save the time of the Committee by withdrawing the Amendment.

MR. MITCHELL HENRY said, he was sure that the hon. Member for Cavan (Mr. Biggar), and the Irish Members generally, would appreciate at its full value the advice of the hon. and learned Member for Chatham (Mr. Gorst). The question of sub-division was one of the most important questions that could be considered, and he regretted that it had been raised somewhat injudiciously upon a previous occasion. This, however, seemed to him to be a judicious and fitting occasion on which to raise it, and he trusted that it would be fully considered and discussed. It was of very great importance. The persons who first established sub-division, and carried it out as long as it was profitable, either pecuniarily or politically, were the landlords, and a great deal of the sub-division of land in Ireland was owing not to the tenants but to the landlords. The tenants hitherto had only been too willing to sub-divide their holdings; but the evidence given before the Agricultural Commission showed, very strikingly, that that tendency was disappearing. Evidence of this fact was given everywhere; and he thought there ought to be power given to the Court to allow the sub-division of a holding where the landlord unreasonably refused his consent. In talking with tenants both in the South and West of Ireland upon this question, he had often assured them that the reason why their agriculture was so bad was that they had too much land, and in many instances he had received this answer—"I only wish it was more divided." What he should like to see was this—he should like his hon. Friend to strike out two lines of his Amendment. He would not limit or prescribe the discretion of the Court; but he would give to the Court the power of judging upon the question just as it would judge upon all other questions of importance with respect to the holding of land in Ireland. There could be no objection to the principle of giving the Court this power, because the Government were themselves about to propose an Amendment which would allow the Court to sub-let portions of a holding for another purpose. He hoped his hon. Friend would consent to strike out these two lines, so as to make the clause read—

> "But if the landlord shally unreasonably refuse such consent the Court may make such order in relation thereto as shall to the Court seem just."

That would have the effect of striking out the limit now prescribed by the clause. There were many cases in the West of Ireland where it was desirable that a tenant should sub-divide his holding for the advantage both of himself and of the country at large. Of course, it was not desirable that the power should be given to the tenant alone; but they guarded against any abuse by the other provisions of the Bill, and in some way they ought to allow the Court to judge whether in the event of a tenant being unable to come to an agreement with his landlord his case was a just one, and in that event the Court should have power to allow a sub-division of the holding, even although it was contrary to the original condition of the tenancy. If his hon Friend would withdraw the latter part of his Amendment, he (Mr. Mitchell Henry) would certainly vote with him.

Lord ELCHO said, he thought that after what had fallen from his hon. Friend the Member for Galway (Mr. Mitchell Henry), who was in favour of the sub-division of holdings, and who objected to the unreasonable refusal of the landlord's consent, it was still more desirable to know what the hon. Member for Monaghan (Mr. Givan) meant by "unreasonable refusal." He, therefore, asked the hon. Member if he would give a little futher definition of the word "unreasonable?" The hon. Member had told the Committee, in answer to his (Lord Elcho's) previous question, that he would consider it an unreasonable refusal where a tenant occupying 200 acres had reclaimed 100 of them, and wished subsequently to sub-let the holding. Now, that was the case of 200 acres, but the Amendment went down as low as 30 acres; and he wished to know what the hon. Member would consider an unreasonable refusal on the part of the landlord in the case of a holding of 30 acres? He wished to know whether the hon. Member confined the unreasonable refusal to the case of 200 acres, or whether he would bring it down as low as 30 acres?

Mr. WALTER said, he thought that the Committee were drifting into extraneous matter. The question of the sub-division of holdings was one of public policy; but they were not discussing the abstract question of sub-division. The Court was to be appointed to consider matters in which the interest of the landlord, on the one hand, and of the tenant on the other, clashed; but there could be no conflict of interest between the landlord and the tenant on the subject of the sub-division of a holding. If power were given to the Court thus to supersede the tenant in the management of his estate, it would be only fair to give to the landlord the option of accepting the decision of the Court, or of calling upon the State to take the property off his hands altogether.

Mr. J. N. RICHARDSON said, the Ulster Members would not take their views of what constituted obstruction to the Bill from the hon. and learned Member for Chatham (Mr. Gorst), and with regard to the remarks of the noble Lord the Member for Haddingtonshire (Lord Elcho) it must not be forgotten that in 1870 the noble Lord said—"I am not an Irishman, and I cannot profess to be conversant with Irish matters." He presumed that the noble Lord, having learned nothing, and having forgotten nothing, was in the same position now. If the Irish Members thought it would be their duty to support the Amendment and divide upon it, he would certainly follow them into the Lobby.

MR. T. D. SULLIVAN said, he had no doubt that the phrase "sub-division" was in bad odour in that Committee; but he would remind the Committee that the word might be bad or good according to the circumstances of the holding. In some parts of Ireland there might be too much sub-division, whilst in others it was very badly wanted. A considerable portion of the county of Meath, for instance, was nothing less than a large bleak prairie; and the same might be said of the county of Westmeath. It would certainly conduce to the happiness and prosperity of the Irish people if some of the enormous farms which now existed, and which were the result of consolidation, were cut up into small holdings, on each of which a family could live and prosper. His opinion was that, as they had no other industry in Ireland, the country should be cultivated like a garden, and that could only be done when the farms were allowed to be brought into a medium size. He was strongly of opinion that the inequality now existing in Ireland between moderately sub-divided farms and great tracts of consolidated farms should be redressed. Unfortunately, whatever they might have anticipated from the present Bill, the landlord would still be treated as the sole lord and master who was to have power of life and death in Ireland, notwithstanding the fact that it was admitted by the Treasury Bench that the landlord was really not in that position, but was simply a co-partner in the soil of Ireland with the tenantry of that country. Therefore, he hoped they would allow some freedom to the tenant, and hitherto he had failed to see any intention or desire on the part of the Government to give them any such power or freedom, or even fair play. The tenants, all through the measure, had too much restriction placed upon them, and it seemed to be the intention of the Government to treat the tenants as if they were monsters of wickedness, wild beasts, and the desolators of the land, instead of being those who tilled the soil and produced the food of the country. The purport of his observations was simply to show that it was desirable that facilities should be accorded for the sub-division of some of the enormous holdings which now existed in Ireland, and he did not think such facilities would be afforded unless the Court were allowed to have some voice in the matter, and allowed to put a veto upon the arbitrary and unreasonable refusal of the landlord.

MR. WARTON asked the Attorney General for Ireland, having regard to the 8th section of the Bill, dealing with the question of reasonable and unreasonable refusals on the part of the landlord or tenant, whether, if a tenant went before the Court and stated that he had asked his landlord to let him sub-divide or sublet his holding, and that the landlord had unreasonably refused, that would be a matter of which the Court could take cognizance?

DR. COMMINS said, undoubtedly there did exist, 50 years ago, an intense desire for the sub-division of farms amongst the people of Ireland; there could, however, be no greater error than to suppose that any such desire existed at the present time. After the failure of the potato crop, and the famine year, and when emigration became popular, that desire for sub-division entirely ceased, and it had not since been deemed necessary to take any precautions with respect to sub-division by legislation or otherwise. The noble Lord the Member for Haddingtonshire (Lord Elcho) had said that the Court could not say what was unreasonable with regard to the refusal on the part of the landlord to sublet; but he reminded the noble Lord that the word "reasonable" was used in the 1st section of the Bill already agreed to by the Committee, which gave power to the Court to decide, in case of dispute, the reasonableness of a landlord's refusal to allow the tenant to sell his tenancy. If the Court was qualified to construe the word aright in that clause, why could it not do so in the clause under consideration? He could not understand the objections and resistance offered to proposals made by hon. Members, which, at all events, could do no harm, and might, when agriculture revived, be very useful.

MR. MACARTNEY said, he wished to point out that at present when a landlord granted a lease he reserved several things—amongst others, that the farm should not be sub-let or sub-divided without his consent. In his opinion it was only fair, when the Government gave power to the tenant to obtain a lease, that the landlord should have power to prevent sub-letting to the injury of the holding. There was another point to be borne in mind. When the word acre was used in an Act of Parliament, it meant statute acres; but when the word was used in connection with an Irish farm it meant an Irish acre, which was a very different thing. It made all the difference whether, for instance, 30 English acres—which were only 18 Irish acres—were divided. To sub-divide a farm of 30 statute acres, which were not too much for any man to cultivate, would, he thought, be productive of great injury.

Mr. GIVAN said, he was willing to adopt the suggestion of the hon. Member for Galway (Mr. Mitchell Henry) to strike out the words—

"In the case of holdings containing thirty acres and upwards, and of the rateable valuation of not less than fifteen pounds,"

and to put the Amendment in its altered form, so as to leave the Court, if the Amendment were adopted, full discretion to deal with the question. The reason why he had put in those words was because he thought it would not be prudent to give the Court power to sub-divide holdings of less that 30 acres. It was entirely in the interest of the landlord that they were inserted. On consideration, however, he thought the words would be better omitted. Notwithstanding the charge of obstruction made by the noble Lord opposite, he impressed on the Committee not to be led away from this matter, because he believed it to be one of the highest importance to the people of Ireland, and the Amendment was intended to act as a check to the drain on the population, and to the amalgamation of farms. He agreed with the hon. Member for Tyrone (Mr. Macartney), that 30 statute acres did not represent 30 Irish acres; but could not see in that fact any reason against the proposal he made. It was, therefore, his intention to take a division upon this Amendment, subject to the alteration suggested by the hon. Member for Galway.

The CHAIRMAN said, the Amendment which the hon. Member had moved was now the property of the Committee, and the words in question could only be struck out by leave of the Committee. It could, however, be put as an Amendment to the proposed Amendment.

Amendment proposed to the proposed Amendment,

To leave out the words "in the case of holdings containing thirty acres and upwards, and of the rateable valuation of not less than fifteen pounds."—(*Mr. Givan.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

Mr. O'CONNOR POWER said, he should like to know what would be the actual effect of the adoption of these words. He would not trouble the Committee with any arguments in favour of limiting the Amendment; but he had already expressed his opinion that the process of sub-division in Ireland might be dangerously carried out. Would it be in the power of the tenant who sublet to charge any rent he pleased? He thought the Amendment in its present shape would be better calculated to promote the interests of farmers if these words were added—"at such rent as the Court may determine." That addition was, in his opinion, necessary, because one of the most pernicious systems of letting land in Ireland had been the system of sub-letting, under which some tenants who were not occupiers, but who sub-let their farms to others, extracted from the sub-tenant a much higher rent than they themselves paid to the landlord. It seemed to him that some hon. Members were hardly aware of the position in which the question stood. An hon. Colleague of his was under the impression that the question of the rent to be paid on sub-divided farms was within the discretion of the Court; but it should be recollected that this part of the Amendment of the hon. Member for Monaghan had been struck out on the suggestion of the hon. Member for Galway (Mr. Mitchell Henry), and he respectfully submitted that if the Amendment were adopted without some words limiting the rent which the head tenant might otherwise have it in his power to charge great injustice might result to the sub-tenant. For that reason he trusted the Committee would adopt the words which he had suggested, and which would leave the amount of rent to be charged by the person sub-letting to be determined by the Court.

DR. LYONS said, that the hon. Member had started an important point, and one which had hitherto escaped notice. As he did not think that justice could be done to it if it were hastily discussed, he suggested that the hon. Member for Monaghan (Mr. Givan) should withdraw his Amendment for the present, and bring it up again for final consideration when a later portion of the Bill was reached. He thought that if progress was to be made with the Bill, an endeavour should be made to get forward without Amendments which, although they dealt with questions of importance, were collateral to the subject.

LORD JOHN MANNERS hoped the suggestion of the hon. Member for Dublin (Dr. Lyons) would not be adopted. The question raised by the Amendment before the Committee had already been discussed on three occasions at great length, and he sincerely trusted it would not be again postponed.

MR. PARNELL said, he thought that the point raised by the hon. Member for Mayo was covered by the words of the Amendment as it stood—namely, that "the Court may make such order in relation thereto as to the Court shall seem just." Those words, in his opinion, clearly provided for the Court taking into consideration the amount of payment which the incoming tenant would have to make to the tenant who wanted to sub-divide his holding. For his own part, he did not think the right to sublet a holding ought to be given in any case. The right to sell a portion of the tenant's interest was entirely different from that of sub-letting a portion of that interest; and he regarded it as a very objectionable feature in the Amendment that it covered both the questions of sub-letting and sub-dividing. The right to sub-divide was a very beneficial one, while the right to sub-let he regarded as very mischievous; and it was upon that ground that he asked the Prime Minister to consider further before he came to a final decision upon the matter. If the Amendment were withdrawn, and if the right hon. Gentleman would kindly re-consider the subject between that time and the Report, it would, he thought, give great satisfaction to many Irish Members of the House. He felt that a prejudice undoubtedly existed in the minds of English and Scotch Members against sub-division, which would not be there if they had more knowledge of Ireland and its requirements. It was true that many holdings in Ireland were too small; but those which he and his Colleagues wished the Court to have power to deal with, for the purpose of sub-division, were very large, and the landlords were not really deserving of the consideration which the Prime Minister wished to extend to them, because they had remorselessly evicted the tenants who formerly lived upon them. Again, it might happen that the tenant of one of these large grazing tenancies might not have sufficient capital wherewith properly to cultivate the holding, or even to pay a fair rent for it in its entirety. It was, therefore, right that the Court should have power to deal with the question of sub-division, upon which the Irish Members were almost unanimous.

MR. BIGGAR said, that the Court had been, in other parts of the Bill, invested with much greater powers than were now asked for; and, moreover, that not a single argument had been advanced against giving the Court power to grant sub-division where it was thought necessary to do so. But seeing that strong arguments had been advanced in favour of the Amendment, he thought the Government would do well to agree to the proposal. He was as much opposed as any Member of the House to sub-letting in the case of minors or infirm persons; but he thought that discretion might be reasonably given to the Court to deal with that question. He did not think the Court should be hindered from allowing subletting in suitable cases, subject, of course, to a review of the rent, and other arrangements which might be desirable.

MR. MULHOLLAND said, he rose to protest against the view which had been expressed by the hon. Member for the City of Cork (Mr. Parnell) that almost all the Irish Members of the House were of one opinion upon this subject. If Irish Members on the Benches near him had not spoken upon it hitherto, it was simply because they were unwilling to speak upon a question which, upon the assurance of the Prime Minister, they regarded it as a waste of time to pursue. It was beyond his power to believe that it would be for the benefit of Ireland that tenants should be able to sub-divide their holdings. He held that the condition of the country had greatly improved during the last 40 years; no one who passed through it now would recognize the Ireland of the past. That change had been produced by the consolidation of tenancies and the reduction of the pauperism which formerly existed, and was at one time represented by a total of 2,000,000. The land was producing more; in short, the whole country was progressing, and nothing would, in his opinion, tend more to throw Ireland back than the bringing down of farms to a size at which they could not be cultivated with advantage. It was quite intelligible that the friends of the tenants should wish for sub-division, because it was well known that a larger rent could be got for small than large holdings. On the other hand, the landlords had sacrificed a great deal of rent by consolidating their farms, and the benefit they derived from this was that they had a more solvent class of tenants on their estates. The Prime Minister had received support from hon. Gentlemen near him, on the faith of there being no interference with the rights of the landlord beyond what was necessarily connected with the structure of the Bill. What, he asked, would be the position of the landlord's rights if, without his sanction, his farms could be sub-divided and new tenants forced upon him? On the ground, then, of the welfare of Ireland, as well as upon that of the rights of the landlord, he contended that the proposal could not be justified.

Mr. LITTON suggested that the reason why hon. Members opposite had not taken part in the debate was, because they had the Government on their side in resisting the Amendment before the Committee, and not because they were anxious to press forward the Bill.

Mr. DE LA POER BERESFORD said, that the reason why some hon. Members for Ireland near him had not spoken on this Amendment was because they wished to facilitate the passage of the Bill through the House. He knew the county of Cavan well, a great deal better, as he believed, than the hon. Gentleman who represented it. He was connected with considerable estates in that county, and knew that one of the principal things which the tenants wished to do was to sub-divide their holdings if possible. He hoped, however, that the Government would not give way, and allow sub-division to take place.

Mr. O'CONNOR POWER wished it to be understood that they did not deny that there were estates in the West of Ireland where sub-division had been carried too far. Their contention was that the removal of evils in those districts could only be effected by breaking up the large farms. He trusted it would not be thought that they were in favour of unlimited sub-division.

Mr. BIGGAR said, in answer to the hon. Member for Armagh (Mr. Beresford), that he had not argued in favour of unlimited sub-division. What he stated was, that it should be permitted upon certain conditions, and in certain cases.

Question put, and *negatived.*

Amendment, as amended, put.

The Committee *divided:*— Ayes 52; Noes 175: Majority 123.—(Div. List, No. 263.)

The CHAIRMAN said, this decision disposed of several subsequent Amendments on the Paper.

Mr. FITZPATRICK pointed out that unless sub-letting were carefully guarded against considerable injury might result to the landlord. The Committee might remember the case of James Lawlor, who, renting a farm of 16 acres for £18 15*s.* a-year, sub-let 7½ acres for £22 10*s.*, and exacted two years' rent in advance. He (Mr. Fitzpatrick) had an Amendment on the Paper, which, he thought, would meet the difficulty and be acceptable to Her Majesty's Government.

Amendment proposed,

In page 5, line 6, after "holding," insert "and any sub-division or sub-letting contrary to this provision shall be void, and shall not take effect."—(*Mr. Fitzpatrick.*)

Mr. GLADSTONE said, the Government sympathized with the object the hon. Member had in view, but could not agree to the Amendment, believing it to be entirely unnecessary, for the sub-section it followed declared most distinctly that the tenant should not, without the consent of his landlord, subdivide or sub-let his holding.

Mr. GIBSON said, that, no doubt, the hon. Member would accept the statement of the Prime Minister; but, at the same time, it should be pointed out that the Amendment only sought to give effect to a legitimate inference. He would consider, before the next stage of the measure was reached, whether it was necessary to introduce further words into the clause for the protection of the landlord.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 5, line 6, after "holding," insert "Agistment or letting in conacre, or for the purpose of temporary depasturage, shall not be deemed a sub-letting for the purposes of this Act."—(*Mr. Attorney General for Ireland.*)

SIR WILLIAM HART DYKE said, he wished to propose, as an Amendment to the proposed Amendment, some words taken from the Act of 1870, and he ventured to think that, as they had found a place in that Act, they should also find a place in the present measure. It was unnecessary to explain his object in bringing them forward, for it must be obvious to every Member of the Committee. He could conceive nothing worse to the cause of agriculture and of the tenant farmer than sub-letting in a reckless way; therefore, he hoped the Government would accept this Amendment as a safeguard.

Amendment proposed to the proposed Amendment,

After "conacre," to insert the words "for the purpose of being solely used, and which shall be solely used, for the growing of potatoes or other green crops, the land being properly manured."—(*Sir William Hart Dyke.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had no objection to the insertion of these words.

MR. HEALY said, that if the Government were going to agree to this, it was extraordinary that they could not consent to an Amendment of a somewhat similar character dealing with a common custom which had been submitted to them. Everyone knew that conacre was always manured by the tenant, and, that being the case, what was the use of putting the words in?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that custom as a prevailing practice was one thing, but custom or usage recognized and enforced by law was another.

Amendment, as amended, *agreed to.*

MR. LITTON said, the next Amendment was in his name; but he had noticed that this morning, for the first time, the Chief Secretary to the Lord Lieutenant had an Amendment on the Paper which purported to deal with the same subject. He did not complain that that Amendment had only been placed on the Paper this morning, but regretted that the Committee had not been allowed more time to consider it. He understood that there was some desire on the part of the Government to postpone it, in order that it might be re-drafted and considered; and, if that were the view of the Chief Secretary, he should be happy to withdraw his Amendment. On the other hand, if it was the intention of the Chief Secretary to propose that the whole clause should be recast and brought up on Report, he (Mr. Litton) thought it more for the satisfaction of those interested in the question to press the Amendment, in order that the subject might be now considered in Committee rather than on Report, when the right of debate was restricted.

THE CHAIRMAN: Does the hon. and learned Member move the Amendment?

MR. LITTON said, if he understood the views of the right hon. Gentleman correctly, he withdrew it.

MR. W. E. FORSTER said, the matter was very important, and would be dealt with in a separate clause.

MR. CALLAN said, that, in order to enable the Chief Secretary to give his opinion on the subject, he would move the hon. Member's Amendment.

Amendment proposed,

In page 5, line 10, after "depasturage," insert "or the letting of a portion of land not exceeding half a statute acre, and annexed to each labourer's dwelling."—(*Mr. Callan.*)

MR. W. E. FORSTER said, he regretted that he had delayed putting the Amendment on the Paper longer than he ought to have done, having only inserted it this morning. He was inclined to believe that it would be a great advantage if the subject were dealt with by itself, in a separate clause. He would not pledge himself to the exact words; but he would undertake to bring up a clause which would effect the object in view, and would undertake to give ample Notice of that clause, so that hon. Members could decide what course they would take. He could not help thinking that the matter would be better debated if it came up in the form of a new clause.

Mr. BELLINGHAM said, he had given Notice of the following Amendment with reference to labourers' cottages:—In page 5, line 6, after "holding," insert—

> "Except for the purpose of making provision for labourer's dwellings and allotments subject to the following conditions:—
>
> "(a.) No tenant to erect a labourer's cottage without first applying to the landlord or agent for liberty to do so.
>
> "(b.) If the landlord consents to erect a cottage at his own expense, the tenant not to be at liberty to erect the same.
>
> "(c.) If the landlord declines to erect the cottage, the tenant may do so after the decision of County Court Judge.
>
> "(d.) All cottages erected for labourers either by the landlord or tenant shall be held directly from the landlord and subject to the provisions of 'The Cottier Tenant Ireland Act 1856,' and in case the tenant shall have erected the cottage, he shall be allowed out of his rent the amount paid to the landlord, or such other sum as the Court shall think fit in case of dispute.
>
> "(e.) To every cottage erected in pursuance of this Act a garden not exceeding one acre may be attached by the tenant of said holding, and in such case such garden shall be held direct from the landlord, and such allowance therefor shall be made to the tenant as in case of disagreement the Court shall award.
>
> "(f.) In case of disturbance of any tenant in his holding any labourer's cottage erected by the tenant under these regulations shall be deemed to be an improvement and the tenant shall be entitled to compensation therefor.
>
> "(g.) The Court may, if it think fit, modify the structural requirements of labourers' cottages as laid down in Clause 11 of 'The Cottier Tenant Ireland Act 1856,' on the application of the person erecting the same whether landlord or tenant."

If the Chief Secretary intended to bring forward a new clause dealing with the whole question it would render unnecessary this Amendment; but he wished to explain why he had put his Amendment on the Paper. In 1870, when the Irish Land Bill was under discussion, Sir William Gregory, then Member for County Galway, brought forward the question in the form of an Amendment, and pressed it to a division. It was lost by a majority of 16, and mainly lost owing to a promise given by Mr. Chichester Fortescue (now Lord Carlingford), who was at that time Chief Secretary to the Lord Lieutenant, which promise was to the effect that the question would be taken up by the Government either during the passage of the Land Bill through Parliament or soon afterwards. The promise had not been fulfilled. Ten or eleven years had elapsed, and the Irish labourers were in exactly the same position that they occupied in 1870. Well, they ought now to have a distinct pledge from the Government that the question would be taken up and dealt with in this Bill, or, if not, that a separate measure would be introduced on the subject.

Mr. W. E. FORSTER: Perhaps the hon. Member will allow me to state that I distinctly pledge myself to deal with this subject in a new clause.

Lord JOHN MANNERS said, he had handed in an Amendment which he should feel it his duty to move as an addition to the Amendment suggested by the right hon. Gentleman. He admitted that nothing could be more benevolent than the intention of the right hon. Gentleman; but, if he understood the matter aright, the effect of the provision would not be so benevolent as its intention. If it was essential that the State should interfere, through the Court, to regulate the rent which was to be paid by the tenant to the landlord, it was still more important that the State should interfere to regulate the rent which was to be paid to the tenant by the labourer. The Amendment, of which he had given Notice, would run in this way—"And that the rent be in fair proportion to the rent paid for the holding to the landlord by the tenant."

Mr. LEAMY said, that he, also, had an Amendment to propose when the new clause came on for discussion. Instead of giving the labourers half-an-acre of land they should have an acre, and whenever the tenant applied to the Court to have his rent fixed, the Court should thereupon put a specific value upon the holding; and the Land Commission, in every case where the value was specified, should be empowered to advance at least half the sum to enable the tenant farmer to erect labourers' cottages. Unless assistance were given in this way, he was afraid that there would not be any labourers' cottages erected for many years to come.

Mr. A. MOORE hoped the suggestion of the Government in this matter would meet with the approval of the Committee, because it would be a great pity to have a short sub-section introduced in the middle of this clause dealing with such an important subject. He trusted there would be an equal code of laws between the labourer and the tenant as between the tenant and the landlord. He would move, at the end of the Amendment proposed—"as hereinafter provided in the Act," in order to bind the Committee to deal subsequently with the matter. If the Bill passed in its present form, it would be absolutely injurious to the labourers, and no one could suppose that the Government intended that to be the case.

MR. JUSTIN M'CARTHY said, that he also had an Amendment to the clause on the subject of labourers' dwellings. It was as follows:—In page 5, leave out from "Act," line 11, to "provided," line 21, and insert—

> "Whereas it is desirable to provide a remedy for the deficiency of suitable and decent dwellings and garden plots for agricultural labourers in many parts of Ireland: Be it enacted, whenever the Commissioners are satisfied that in any district there is a deficiency of decent and suitable dwelling houses for the agricultural labouring population which the Commissioners may deem to be usually employed or reasonably requisite for ordinary agricultural operations in such district, the Commissioners may for the purposes of this section purchase, under the Lands Clauses Consolidation Acts, land in or near such district and erect thereupon suitable dwellings for agricultural labourers with suitable garden plots attached thereto, and may let or sell such dwellings and plots to agricultural labourers under such rules and regulations as the Commissioners may think fit from time to time to prescribe."

He was anxious that they should be clear as to where they were going. He understood that there was to be a clause brought up to deal with the question of the labourers, and that hon. Members' Amendments were to stand over until that clause was before the Committee. But he should like to know whether the Amendment before them represented all the Government intended to do on behalf of the labourers? Did they only intend to propose the provision which was inserted in the Land Bill of 1870, and struck out in the House of Lords? Because, if so, that provision, he would point out, was worthless.

MR. W. E. FORSTER said, they would be glad to give the hon. Member an opportunity of taking a division on his Amendment, and on the clause also when it came up.

MR. MARUM trusted that when the right hon. Gentleman brought in his clause he would not forget the benevolent intentions announced, and that he would deal with labourers employed by landlords as well as labourers employed by tenants. Also, where facilities were given to tenants for the erection of labourers' cottages, similar provisions should be extended to landlords.

MR. PARNELL said, he was very much afraid that neither the Amendment of the hon. and learned Member for Tyrone (Mr. Litton) nor that proposed by the Chief Secretary would meet, to any extent, the labourers' question in Ireland. Of course, the question was an exceedingly difficult one, and its difficulty became evident to them as they saw the Amendments which had been put down and the Amendments which had been announced to those Amendments. He (Mr. Parnell) had handed to the Chairman an Amendment to the Amendment of the Chief Secretary; but he could not see that even if the right hon. Gentleman's Amendment were amended, as he desired, that the difficulty would be settled or the labourers very much benefited. He wished to see effected that which the noble Lord the ex-Postmaster General (Lord John Manners) had proposed. He wished to give the Court power to fix a fair rent; but, on further consideration, he asked himself should he be doing anything for the labourers by giving the Court permission to fix a fair rent unless he gave the labourers fixity of tenure? That was the difficulty which stared him in the face, and which he did not see provided for. They could not give the labourers fixity of tenure on a tenant's farm, unless they went behind all the principles affecting contract between capital and labour, which, he supposed, no one was inclined to do. But if the tenure of the labourer were not fixed as well as fair rent they gave him nothing, because the farmer could rid of a labourer who required an allotment, and replace him by one who did not wish for such a thing; while, if he obtained an allotment at a fair rent, the tenant could get behind that "fair rent" by tampering with his wages. The whole question, therefore, bristled with difficulties, and he did not see how it was possible of solution on the lines laid down in any of the Amendments. As he had said before, he saw no way of settling the question except by taking the labourer out of the hands of both the landlord and the tenant, as to his allotment, and giving the Land Commission, or, if they liked, the Boards of Guardians in the different localities, the same power that sanitary authorities had, under the Industrial Dwellings Act, to buy land for the purpose of building better labourers' houses, and granting small cottage allotments. If this were done they would solve the present labourers' question, for the labourers at present did not advance for themselves any very large claims.

Colonel COLTHURST said, that some part of the scheme that the hon. Member had shadowed forth would cause a complete revolution in the land system. As long as the labourer bound himself to the farmer for a year, it was impossible to do more than provide that the farmer should not charge him, as he very often did, a rack rent for his miserable dwelling; and further, he thought they might very fairly give the rural sanitary authority power to condemn dwellings which were manifestly unfit for human habitation, and throw the onus on the farmer of providing decent dwellings. But to do that they must give the farmer power to get advances from the Treasury as landlords did, for landlords had no excuse for not building labourers' dwellings, while no farmer, without a 40 years' lease, could get a loan.

Mr. W. E. FORSTER said, he thought the Committee were rather getting away from the question before them, and pointed out that there was a clause on the Paper for effecting the object aimed at by the hon. and gallant Member (Colonel Colthurst).

Lord RANDOLPH CHURCHILL said, that, with all respect to the right hon. Gentleman, he considered it advisable that the Committee should not pass from this subject without a little clearer definition from the Government of their intentions upon the question, which was one of great importance. The point was, did the Government, in any clause they would bring up, intend to accept the principle of the State interfering between the farmer and the labourer as to the rent to be charged the labourer?

The CHAIRMAN: I must point out to the noble Lord that we are getting into a discussion far beyond the question before the Committee. The Amendment is simply on the letting of a portion of land, and the discussion is going to a clause of which we at present know nothing.

Lord RANDOLPH CHURCHILL said, the Amendment was on the letting of land by the farmer for the benefit of the labourer, and they could not consider that without also considering the rent which might be charged.

The CHAIRMAN: Notice of an Amendment upon that subject has been given, and when that Amendment comes on it will be right to discuss it; but it is not before the House now. The noble Lord intimated that he should move such an Amendment later; but it is not before the Committee now.

Lord RANDOLPH CHURCHILL said, Members had come down to the House under the impression that the Chief Secretary had put down his Amendment in preference to the one the Committee were now discussing; but it had been announced that he did not intend to move it. The Committee were in consequence placed at a great disadvantage. [Mr. W. E. Forster: No, no!] The right hon. Gentleman had said he should not move it.

The CHAIRMAN: It is not within the competence of the Committee to discuss Amendments which are not before us at this moment. The hon. Member moved this as a formal Amendment which he did not press, in order to give the Chief Secretary an opportunity for explanations; but it is impossible to discuss the full Amendment of the Chief Secretary which is not now before the Committee.

Mr. GLADSTONE observed, that no one had expressed the opinion that it would be desirable to move the Amendment at the present time, and he thought under these circumstances it would be very inconvenient to continue the discussion. He could not see what possible advantage could be gained, for they would get little light thrown upon the subject in this part of the Bill. It would be better to speak to the Amendment before the Committee.

Mr. CALLAN said he had moved the Amendment deliberately to give the Chief Secretary an opportunity of explaining his intentions; and he thought the right hon. Gentleman's statement was on the whole satisfactory. He had stated that the labourers' question could not be dealt with at all in this clause, and that it would be more satisfactory to deal with it in a separate clause. He (Mr. Callan) did not, however, think it could be dealt with in a separate clause, and he would still recommend that that course should not be adopted. As to the Amendment of the hon. Member, he did not think it was as advantageous or favourable to the labourer as the Amendment of the Chief Secretary, which was the same as that embraced in the Act of 1870, but which was struck out by the House of Lords. The House of Commons, on the 13th of July, 1870, was induced to agree to the Lords' Amendment striking out this clause dealing with the labourers' question, in consequence of a specific pledge given in the presence of the Prime Minister, by the then Chief Secretary for Ireland, that the question should be dealt with. That promise was broken year by year by each Chief Secretary; and how in the name of common sense were Irish Members now to pass it by upon the mere promise of another Chief Secretary? They must have a pledge, distinct and clear, that either a new clause would be brought up, or a separate Bill introduced for the purpose. He would recommend the Chief Secretary, if he was not above taking a recommendation from some person outside the purlieus of Dublin Castle——

MR. CARTWRIGHT rose to Order, and asked whether the remarks of the hon. Member were in Order?

THE CHAIRMAN: I consider that they are entirely out of Order. The hon. Member should confine himself to the Amendment he proposes, and not to other subjects.

MR. CALLAN, continuing, said, he was stating his reason for withdrawing his Motion if the Chief Secretary would adopt a particular suggestion. He did not think it was in good taste for a mere English Member to endeavour to repress an Irishman who was expressing his opinion upon a question to which he had for 10 years paid some attention —namely, that of the Irish labourer. The hon. and gallant Member for Cork County thought it a bad plan for a labourer to be bound to a farmer for a year; but would they give him a monthly or a weekly tenancy? If not, how was it a bad plan? When once they gave a tenant perpetuity of tenure he became a peasant proprietor. It was said that it was the custom for farmers to charge the labourers rack rent; but that was not the case in the Northern portion of Ireland. The real difficulty was the erection of cottages; and he had that day received a letter from a gentleman who was both an agent and a farmer in Louth, who said he did not know how they could improve the labourers' position unless they made it compulsory that the labourers should have better dwellings, and gave facilities to the poor farmer for erecting proper habitations. They must also take from the landlord the power to remove a labourer in a month, or in three months, as was now the case, without ample compensation. The same gentleman also considered that there was at present too much power of evicting tenants, both in town and country, without any cause or compensation. In a newspaper which he had also received from a Southern county (Kilkenny), he saw that a meeting of labourers at the Welsh Mountains, on the previous Sunday week, had stated that what they wanted, pending the settlement of the labourers' question by Parliament, was that tenant farmers who had sub-tenants should charge no higher rates for the holdings than was levied on them for the land. That was what they wanted — to be charged no more than the tenant was charged by the landlord, because the dwellings were not erected by the farmers, but to a large extent by themselves. There were other Amendments on the Paper—one by his hon. Colleague from Louth—which he hoped would meet with strenuous opposition.

THE CHAIRMAN: The hon. Member cannot discuss an Amendment not before the Committee. He can only discuss the Amendment he has proposed, and not an Amendment by another Member.

MR. CALLAN explained that he was discussing that Amendment only in this way. He thought his Amendment should pass simply in the language in which it stood on the Paper, and that no conditions should be attached as to the consent of the landlord or the agent to the erection of a cottage.

THE CHAIRMAN: I told the hon. Member that it is not in Order to discuss an Amendment which is on another part of the Paper, and I must remind him that I have twice called him to Order.

Mr. CALLAN said, he would not be called to Order a third time; but he would suggest to the Chief Secretary that he should adopt the practice pursued by the Lord Advocate towards the Scotch Members—consult the Irish Members informally outside the House as to the best way of dealing with the labourers' question. That would save the time of the House in discussing Amendments which, though apparently drawn in the interest of the labourers, were much more in the interest of the landlords. It had been suggested that the labourer should be made independent of the farmer; but that could not altogether be done, because it was the farmer who gave the labourer employment. They must require the farmer to erect dwellings, and give him facilities for raising money at a low interest for that purpose; and in that way they would improve the condition of the labourer, and at the same time not injure, but rather enhance, the value of the landlord's property.

The O'DONOGHUE said, he could not but admit that the labourers were a very important class, and that lately they had received a great deal of verbal sympathy from those who had resisted all concessions to the tenants. Who were the labourers? The sons and the grandsons of men who had been driven from the soil by past evictions; and the question arose, how were they to be got back? That consideration included a variety of questions. Who was to select them? What was the rent they should pay? And what tenure were they to have? All these were very important questions, and they could only be adequately discussed when the right hon. Gentleman brought up his Amendment.

Mr. BELLINGHAM said, that under ordinary circumstances he should be disposed to press the Government; but after the distinct pledge of the Chief Secretary he did not see how the discussion could be pursued any longer.

Mr. VILLIERS-STUART entirely agreed with the hon. Member that, after the pledge given by the Chief Secretary, further discussion of the question at this stage would be a waste of time, and only delay an all-important Bill. From what the Chief Secretary had said, he thought they would have a much fuller and more satisfactory clause later on.

Mr. T. P. O'CONNOR thought it was not a waste of time to carry on this discussion a little longer, for it would be no harm to inform the mind of the right hon. Gentleman of the views of the Irish Members on this question, as to the way in which it should be dealt with. His hon. Friend (Mr. Callan) was at liberty to enter into private communication with the Chief Secretary if he chose; but he (Mr. O'Connor) and several other Irish Members must decline to have any communication with the Chief Secretary except across the House. He agreed with the hon. Member for Cork that this subject bristled with difficulties; but he could not admit the principle that wages and the relations between employers and labourers could be regulated by the direct interference of the State. The real root of the difficulty was that there were too many labourers in particular spots in Ireland, and that was the thing that must be dealt with. It was the same in England—labourers were starving in one county and in demand in another. The way to deal with the difficulty was to do something to attract labourers in Ireland from parts where there was a congestion of population to other parts where the population was sparse; and that must be done, not directly, but indirectly.

The CHAIRMAN: The hon. Member is travelling very wide of the Amendment, which is simply—

> "Or the letting of a portion of land not exceeding half a statute acre, and annexed to each labourer's dwelling."

That is the question before the Committee, and not the general question of the labourers.

Mr. T. P. O'CONNOR said, he did not know whether he should improve his position by moving to report Progress; but he would formally make that Motion. His only excuse for travelling beyond what were the strict limits of the Amendment was that he was following the remarks which had been more or less put before the Committee that evening. At all events, he would not trespass on the Committee further on that point; but he would urge the Chief Secretary to encourage, directly and indirectly, the employment of labourers, though he did not know whether the right hon. Gentleman could control the selfish endeavour of landlords to get rid of the labourers.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. T. P. O'Connor.*)

Motion, by leave, *withdrawn.*

MR. DALY expressed the opinion that it would be a waste of time for the Chief Secretary to bring up a clause which only dealt with the fringe of this question, and suggested a clause enabling the farmer to sub-let half-an-acre to a labourer. He abstained from offering any opposition to the Bill on its second reading. But the panacea for the evils of the Land Laws of Ireland would be utterly illusory unless the Bill contained provisions going very much further than the clause promised by the Chief Secretary. In a great question like this, what was the use of giving permission to the farmers to let out an acre or half-an-acre, and stopping there? It would be a waste of time to discuss such a thing. It was the duty of the Government to see that this was not a tinkering settlement of the question, but that it should embrace all the vital points of the disease. He was quite certain that if the labourers' question were omitted or imperfectly dealt with—and the Chief Secretary's promise only touched the fringe of the question—that all the exertions used by the Irish Members would have been spent in vain.

MR. CALLAN said, the hon. Member for the City of Galway (Mr. T. P. O'Connor) had referred to a suggestion of his for a conference between the Irish Members and the Irish Executive on this Amendment, and, as the matter might be misunderstood in Ireland, he wished to say that he had had no communications with the Chief Secretary, either on that or any other subject. There was not an Office in Her Majesty's Government to which he would go with more reluctance than to the Irish Office. There was not a halo, but one of those misty lights, which arose from that place.

THE CHAIRMAN: The hon. Member is not speaking on the question before the Committee.

MR. CALLAN said, he was replying to the reference of the hon. Member for the City of Galway.

THE CHAIRMAN: That is not the subject before the Committee.

MR. CALLAN would suggest that the discussion should terminate, and that a conference should be held between the Representatives of the Irish Executive and Irish Members on either side of the House with reference to this subject, which the hon. Member for Galway said was "bristling with difficulties." He thought such a subject might be discussed at an informal conference, and save the time of the House. It would facilitate the discussion on the Land Bill generally, if Members on his own side, and individual Members on the other side, of the House were not so ready with their strictures on those who had given much time to this subject.

MR. T. D. SULLIVAN remarked, that as so much had been said as to private conferences between the Chief Secretary and the Irish Members, he hoped that no ear would be given to such a thing. The Irish Members wanted no private conversations with Ministers; and all their discussions should be across the floor of the House.

MR. HEALY said, that this question, as it affected Irish labourers, was really a minor one. The Irish labourers wanted a sanitary inspector to see that their dwellings were kept in decent order, with proper drains, to be attended to by the landlords or the farmers; and, if this were done, the question of wages might be left to regulate itself.

THE CHAIRMAN pointed out to the hon. Member for Louth (Mr. Callan), that if he persisted with his Amendment it would have a serious effect in preventing the consideration of the labourers' question afterwards.

Amendment, by leave, *withdrawn.*

THE CHAIRMAN said, that the Amendments of the hon. Member for Clonmel (Mr. Moore), of the hon. Member for Wicklow (Mr. M'Coan), and the hon. Member for Wexford (Mr. Healy), were covered by this proposed Amendment, and he supposed they would not be put.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

MR. LALOR moved to leave out subsection 5 of Clause 4, which was as follows:—

> "The tenant shall not do any act whereby his holding becomes vested in a judgment creditor or assignee in Bankruptcy."

If this were to stand, it would be a most cruel thing, because, in the first place, it would prevent any tenant from borrowing capital if he were in want, and where misfortune might have come upon him through failure of his crops. This subsection would give the landlords a power which they did not possess at present, and he, therefore, moved that it be struck out, in order to give the tenant protection against the landlord.

Amendment proposed, in page 5, line 7, leave out sub-section 5.—(*Mr. Lalor.*)

MR. SHAW hoped the Government would accept the Amendment. It would be an unreasonable thing to impose upon the tenant farmers of Ireland, and it would put the creditors in a very false position.

MR. GRANTHAM hoped the Government would not consent to this subsection being struck out, because, if this were done, it would place the owners of land in Ireland in a false position. As his hon. and learned Friend the Attorney General for Ireland knew, this was one of the best, and an almost invariable covenant in all leases with reference to land in England; and where it was not inserted it was implied that on the tenant becoming bankrupt the landlord should be enabled to take possession. He might point out how unfair this would be to the landlord; for an assignee or a trustee in Bankruptcy would be enabled to assign his beneficial lease to a pauper, and get a considerable loan by handing it over to a man who had not a single penny. The hon. Member for Queen's County said that his reason for objecting to the section was that it would not allow the tenant to borrow money; but it was when the tenant was beyond borrowing, and when he was a bankrupt, that this section came into operation. Previous to the time of his bankruptcy it might be assumed that he had been borrowing money, and in that way he had done all that he could to obviate the pressure of a bad season; and when he had got to the length of his tether, and could not borrow any more money, if this section were struck out, his property would become vested in a judgment creditor or assignee in Bankruptcy. Under these circumstances, he hoped that the Attorney General for Ireland would not yield to the wishes of the hon. Member.

MR. O'SHAUGHNESSY said, the hon. Gentleman who had just sat down had stated in reply to a suggestion that the tenant could borrow money upon his tenancy, that when he became bankrupt he ceased to be in a position to borrow money. He (Mr. O'Shaughnessy) understood the clause to mean that if a tenant borrowed money and subsequently became bankrupt, his tenancy would be forfeited. The sub-clause which the Amendment of his hon. Friend proposed to strike out would, if it remained in the Bill, certainly prevent anything like the borrowing of money. But he objected to the sub-section on broader grounds. He contended that there was a great difference between the position of an ordinary English tenant from year to year, and that of the Irish yearly tenant; the latter having a much larger interest in his holding than the former. They were about to give the Irish tenant from year to year the right of free sale, which the English tenant in the same position did not possess; and certainly the Committee would deprive the property of the Irish tenant of a very important element if they took away the right of assignment to the extent which was proposed in the present sub-section. He regarded the sub-section as being inconsistent with the general tone of the Bill, and was, therefore, in favour of its omission. He was, however, in favour of a provision being made that, in case the tenant became insolvent or parted with his interest, the landlord should be saved from the possibility of a man of straw being put into the tenant's place. This might be very easily done, and should be done if there was any necessity for it; but he was entirely opposed to the right of sale being hampered or diminished by the retention of this sub-section.

MR. FINDLATER said, that he had had great experience of the cases of the kind alluded to by the hon. Member who had just sat down, and he agreed that the tenant right in farms might be swept away altogether by the sub-section, and the tenant left without the means of starting in life again. After all, however, the retention of this subsection was not of much consequence one way or other, as he apprehended it only applied to voluntary bankruptcies, and would not affect cases in which the tenant was made a bankrupt by a creditor, or where the judgment mortgage was obtained by adverse proceedings.

MR. GIVAN said, there was an anomaly in the sub-section, inasmuch as although it said that the tenant should not do any act whereby his holding became vested in a judgment creditor or assignee in bankruptcy, there was nothing in it to prevent his executing a mortgage and vesting it in a mortgagee. Therefore, if the Act was to have any operation in these cases, the sub-section ought to be made stronger than it was. The sub-section left it open to the tenant to execute a mortgage and the judgment creditor could obtain an interest in the farm by getting his judgment registered and thus obtain priority over other creditors. It was exceedingly unjust to the community in general, and the commercial community in particular, that a man should stand in possession of a valuable chattel or interest on which a creditor might have advanced money, and which he was not able to realize. For instance, a farm might be worth £400 in the hands of a farmer, and certain creditors might give him credit on the faith of that. If the farmer became bankrupt the whole was swept away. Again, if he allowed judgment to be obtained against him, that *ipso facto* deprived him of all property in his holding, and, consequently, that class of the community who had given him credit would be defrauded by the operation of this sub-section.

MR. MARUM asked what the Attorney General for Ireland proposed to do in cases of eviction where there was insolvency?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he agreed that the words "judgment creditor" ought to be omitted. If the property had to be sold it was better that it should be sold by the assignee in bankruptcy, who would sell for the benefit of the creditors. Therefore, he proposed to accept the Amendment of the hon. Member for Queen's County (Mr. Lalor) in so far as it related to the judgment creditor, and the clause would then run—"The tenant shall not do any act whereby his holding becomes vested in an assignee in bankruptcy."

MR. MARUM wished to know the position of an insolvent tenant with regard to compensation under the 9th section of the Land Act?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the 9th section of the Land Act would not affect the matter at all. The tenancy in the case referred to would pass by an involuntary act of assignment to the official assignee.

MR. MARUM said, he accepted the observations of the Attorney General for Ireland. It was clear that ejectment in this case would be an ejectment at Common Law. He should therefore abstain from making any further observations at that moment upon the subject, which he should bring up again on Report.

MR. GIBSON said, unquestionably, if the construction placed by the Attorney General for Ireland upon the 9th section of the Land Act and the 13th section of the Bill were correct, a very considerable discussion would arise when the 13th section was reached. On the whole, he regretted that his right hon. and learned Friend had not seen his way to stand by the drafting deliberately adopted in the Bill. That drafting had not been lightly decided upon, but had been the result of mature and elaborate consideration; and it was obvious that the words which it was now proposed to admit had been deliberately inserted, because the words of this particular sub-section might be found in the vast majority of contracts of tenancy in Ireland by lease. The words were, then, perfectly well-known and familiar. Now, supposing the words proposed to be struck out were not retained, what would be the position of the landlord if the Bill passed into law? If the tenant were to get into debt, and a creditor got judgment against him, and then registered that as a mortgage against his holding, the landlord might find a stranger foisted upon him, about whose position he had never been consulted, and whose power he had no possibility of controlling in the slightest degree. He presumed that the object of the sub-section, as well as the policy of all landlords who desired to have moderately well-managed estates, was that they should always, if possible, have solvent tenants who were able to do justice to the landlord, themselves, and their families, and their holdings;

and therefore he considered that the Government had done wisely to introduce the prohibition contained in the sub-section with regard to the vesting of the holding in a judgment creditor or assignee in Bankruptcy. Supposing that the enactment remained as at present, he might get into debt; but that would not be sufficient of itself to bring this section into operation. His judgment creditor would consider well whether he would obtain judgment against him, and register his judgment as a mortgage; and this he might be very slow to do if he knew, with this clause staring him in the face, that his act would have the effect of destroying the tenant's interest in his holding. Therefore, the sub-section, as it stood, was a protection to the tenant against the creditor proceeding to extremes. On the other hand, to omit the words as proposed would be an invitation to persons, not only to give credit, but, when the debt had been allowed to accumulate for a certain time, to press for judgment against the farmer. So that if the proposed change were made, the Committee would be doing something that might lead to the injury of the tenant's interest. Again, it had been pointed out that the operation of this sub-section was not at all in the nature of forfeiture. and might, at the option of the tenant, only lead to a sale. All that the landlord could do was to serve the tenant with notice to quit. But he would naturally ask himself, when he found that the tenant came under the words of the sub-section, whether it was worth his while to encounter the delay and expense connected with serving notice to quit, which could not take effect for a year afterwards; and, again, whether it was worth while to go to the further expense of ejectment. The omission of the words in question, then, would amount to the removal from the sub-section of a provision which might operate largely for the protection of the tenant; while their retention would merely compel the landlord to think from time to time whether he should take any expensive and dilatory proceedings in order to bring some pressure to bear in the matter. He believed that where a fair tenant and a moderate debt were in question, even if judgment were obtained and registered against the holding, in the great majority of cases the landlord would not resort to the machinery of the 13th section, which would necessitate a searching examination on the landlord's part as to whether it was to his interest to adopt further proceedings. The proposal of the Attorney General for Ireland would alter the clause substantially; and therefore he had stated his views so far, in order to guard himself against being supposed to admit the arguments which the right hon. and learned Gentleman had advanced in favour of the omission of the words from the sub-section.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that in the present case the property was not intended to go back to the landlord at all; and, therefore, the argument founded upon the analogy of English leases might be put out of the question. They allowed a tenant under this Bill to mortgage, and no one pretended that there ought to be any prohibition against that. But it was insisted by his right hon. and learned Friend (Mr. Gibson) that if any sum whatever were borrowed, not on mortgage, but on a bond on which a judgment was entered, and registered against the holding, a forfeiture should be incurred. His right hon. and learned Friend, no doubt, spoke truly when he said that in such cases the landlord would hesitate to put the machinery of the 13th section in force; but it must be remembered that they had not only to deal with the class of landlords which he represented, but with a class which was not represented in that House, and who, he feared, would not hesitate to put this forfeiture in force. There were two kinds of mortgage—one, the Parliamentary mortgage by registration of a judgment, and the other, a mortgage by deed; and the position of a man borrowing money under the former was the same as that of a man borrowing money under the latter. What pretence, he would ask, was there for making any difference between them as regarded the landlord's interests?

MR. HEALY said, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had praised the drafting of the Bill when it suited him, and had said the measure had been drafted with a great deal of care, and that the provisions had not been adopted without due consideration. But when the provisions did not please him he took up a very different position.

As a matter of fact, the measure was an apology for feudalism; and if there was anything in it which, more than anything else, was an apology for feudalism, it was these two lines they were now discussing, and which would not be at all amended by leaving out the judgment creditor. They should endeavour to prevent collusion between the landlord and tenant; and if the latter got into debt, they should allow his interest in his farm to be sold for the benefit of his creditors, like all his other property. In Ireland they knew something about penal leases; but no clause in any lease would be so penal as this, unless it were amended as proposed.

MR. SHAW said, he thought that, after the changes made in the clause and the explanations given by the Government, the proposal of the Attorney General for Ireland ought to be accepted.

MR. LITTON said, the remainder of the clause was quite as much open to objection as that part of it the Government had considered and amended. The right hon. Gentleman had given up the battle when he abandoned the earlier portion of the sub-section, and it was no use holding out with regard to the later portion. He would urge the Government to decide this point in the direction of economic principles.

MR. BIGGAR said, the arguments in support of the sub-section were extremely weak. The Committee must not lose sight of the custom of rack-renting landlords, which was to obtain their own remedy against a tenant, and to leave the remaining creditors unprotected; and they must not forget that, unless—in the case of a family left with an interest in a farm devised to one person—there were some means of retaining a hold upon the property directly a tenant became a bankrupt, the whole of the property would be swept away. The landlord was protected in every way, and it seemed to him (Mr. Biggar) that those who wished to retain the sub-section were in favour of preferential payments. The principle of allowing one or two of the creditors to be paid off and the rest to get nothing was in the highest degree immoral, and he did not see how the Government could defend it.

SIR PATRICK O'BRIEN said, the hon. Member spoke of preferences; but he would remind him that ordinary creditors could recover judgment and obtain a charge on a man's property.

SIR STAFFORD NORTHCOTE said, the position they stood in was this. This was a clause making statutory conditions for the maintenance of the relations between landlord and tenant; and amongst the conditions was one which, as he understood it, was an ordinary condition when parties were left to their right of free contract. The Attorney General for Ireland told them that the words "judgment creditor" were unreasonable to insert, and it was curious, under these circumstances, that the Government should have inserted them. They had seen the error of that insertion, and they wished to make a distinction between the cases of a judgment creditor and an "assignee in bankruptcy." The maintenance of that distinction might or might not be open to question; but the right of maintaining the exclusion of the case of a holding getting into bankruptcy was a right which the landlord was perfectly entitled to expect should be preserved to him. When they were making these statutory conditions they ought to have regard to that which was the ordinary agreement between landlord and tenant, and inserted in almost all leases.

THE CHAIRMAN: Since the Amendment has been moved, three Amendments to it have been given in, and that renders it necessary for me to put to the Committee only a few words at a time.

MR. HEALY said, he would suggest to his hon. Friend to withdraw his Amendment, so that the Committee could divide against the sub-section.

Amendment, by leave, *withdrawn.*

MR. WARTON said, he had a small Amendment to propose which would improve the clause.

Amendment proposed, in page 5, line 7, leave out the word "holding," and insert "tenancy."—(*Mr. Warton.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) assented to the Amendment.

MR. HEALY complained that he could not hear a great deal of that which fell from the Treasury Bench.

MR. BIGGAR wished to obtain some information as to the effect of the Amendment.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the object of the Amendment was to express more correctly the meaning of the clause.

Amendment *agreed to.*

On the Motion of The Attorney General for Ireland (Mr. Law), Amendments made in page 5, line 8, to leave out the word "a" and insert "an;" and in page 5, line 8, leave out "judgment creditor or."

Mr. BIGGAR: I move to leave out, in page 5, line 8, the words "assignee in bankruptcy."

The CHAIRMAN: What words does the hon. Member propose to put in their place?

Mr. BIGGAR: It is nothing to me what follows after. I simply object to these words.

The CHAIRMAN: It is impossible to put an Amendment to the Committee which would make nonsense of the clause.

Mr. HEALY pointed out that the Chairman was unaware of the words the hon. Member for Cavan (Mr. Biggar) would be prepared with when these words, "assignee in bankruptcy," were negatived. He submitted that it was competent for an hon. Member to move the omission of one or two words without being compelled to state that which was stowed up in his inner consciousness. As a point of Order, he would put it to the Chairman that the hon. Member for Cavan was quite right in the course he had taken.

The CHAIRMAN: There is a rule of the Committee to the effect that if an hon. Member moves the omission of words so as to cause a blank in the clause, he must inform the Committee with what words he intends to fill up that blank. If that was not done a clause might be left in a most incomplete state.

Mr. O'CONNOR POWER said, the Committee would support the Chairman's ruling, because it was impossible for them to determine a question that was not fully and properly submitted to them. He had been a Member of several Committees, and his knowledge of their working harmonized with the ruling just given. If the hon. Member wished to take the sense of the Committee on this matter, they could divide on the Questions as they were put.

Mr. HEALY said, he would ask, before this point was decided, whether it would be competent for an hon. Member to move to leave out the two words "in bankruptcy?"

The CHAIRMAN: That would not make sense.

Mr. BIGGAR said, he wished to speak on a point of Order.

The CHAIRMAN: There is no Question before the House.

Mr. BIGGAR said, he would propose as an Amendment to put in the words "unsatisfactory creditor." This would be in accordance with the general policy of the Bill; whereas the policy of the words "assignee in bankruptcy" seemed to be to vest the assets of a tenant in difficulties in a very few people. His contention was, not that a tenant should obtain leave to evade his just and honest debts, but the reverse. They knew that by the law as it now stood collusion could take place, first of all between the landlord and tenant, and next between the judgment creditor and the tenant. In the case of mortgaged properties it was very difficult for anyone to sell them except a judgment creditor; and though it was perfectly true that any creditor might obtain a judgment, the ordinary creditor was not so well up in the means of obtaining preferential payments as those whose business it was, and who were doing this sort of thing every day. What he contended for was, that whatever assets the insolvent tenant had should be equally divided amongst the creditors. Of course, where a tenant had given a special preference by deed for a special reason to a creditor, that creditor should have a preference; but, on the other hand, if he had not given a special preference, all the creditors should come in together. It was no uncommon thing when a man was known to have a judgment registered against him, for the general creditors to make him bankrupt as soon as possible; and that was fair and judicious, because there was no reason why one creditor who was more anxious to force his claims than another should obtain a preference for his claims. For these reasons there was no argument in favour of the words remaining in the clause, and they ought to be omitted.

Amendment proposed, in page 5, line 8, to leave out the words "assignee in bankruptcy," in order to insert the words "an unsatisfactory purchaser."—(*Mr. Biggar.*)

MR. HINDE PALMER wished to know, whether, when the Committee had decided upon this Amendment, the hon. and learned Member for Dundalk (Mr. C. Russell) would be precluded from moving to omit the lines 7 and 8?

THE CHAIRMAN: Unquestionably. We have now advanced to line 8, and cannot go beyond that.

MR. A. M. SULLIVAN appealed to the hon. Member for Cavan (Mr. Biggar) not to divide the Committee, although he thought it a misfortune that the omission of lines 7 and 8 could not be moved.

MR. HEALY observed, that the proceedings at present wore a sort of farcical appearance; and, while he should not advise the hon. Member to divide on his Amendment, he could not let the matter pass without a protest.

MR. SYNAN regretted that the hon. Member who had the Amendment had not been in his place to move the omission of these two lines; and explained that under the present Law of Bankruptcy in Ireland if a farmer became bankrupt his property vested in an assignee, but the landlord could apply to the Court for possession of the property and the lease, unless the assignee was such a person as would be a satisfactory tenant. That law, he thought, was sufficient to protect the landlord without imposing a forfeiture on the tenant; and, in his opinion, as the Amendment could not be moved now, the matter should be set right by the Government on Report.

MR. BIGGAR could not see any weight in the objection of the hon. and learned Member for Meath (Mr. A. M. Sullivan) to vote against the words "assignee in bankruptcy" standing part of the Bill, for that was the issue before the Committee; and he thought it legitimate and proper that the Committee should express their opinion as to whether these words were reasonable or not. He had been cheated by farmers who, though continuing to hold good farms, did not pay their contract creditors; but he would withdraw the Amendment now and bring it up on Report.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), in moving to insert, after line 8, a separate sub-section, explained that having, on the last occasion when this matter was discussed, undertaken that the new section should not vary the rights of the landlord, he had been obliged to append a few words —"and the tenant shall not persistently obstruct the landlord." He had omitted the words in the original sub-section "refuse to allow," because the tenant had no longer any right to allow or to refuse to allow.

Amendment proposed,

In page 5, after line 8, to insert, as a separate sub-section, the words,—

"(5) The landlord, or any person or persons authorised by him in that behalf (he or they making reasonable amends and satisfaction for any damage to be done or occasioned thereby), shall have the right to enter upon the holding for any of the purposes following (that is to say):
 Mining or taking minerals;
 Quarrying or taking stone, marble, gravel, sand, or slate;
 Cutting or taking timber or turf;
 Opening or making roads, drains, and watercourses;
 Viewing or examining the state of the holding and all buildings or improvements thereon;
 Hunting, shooting, fishing, or taking game or fish;
And the tenant shall not persistently obstruct the landlord, or any person or persons authorised by him in that behalf as aforesaid, in the exercise of any such right."—(*Mr. Attorney General for Ireland.*)

THE CHAIRMAN: Mr. Greer.

SIR R. ASSHETON CROSS asked whether the Question "That those words be there inserted" should not be put?

THE CHAIRMAN: I immediately called upon the hon. Member for Carrickfergus (Mr. Greer), without putting the Question. That is the most convenient way.

LORD RANDOLPH CHURCHILL thought it would be better to place the Amendment before the Committee, and let it be amended after it had been accepted.

THE CHAIRMAN: No; it must be amended before I can put it.

MR. LEAMY inquired how the tenant was to recover his "amends," and who was to decide whether the "amends" offered by the landlord were reasonable or not?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) replied, that the "amends" would be recovered in a Court of Law.

Amendment proposed to the proposed Amendment, in line 6, after the word "sand," to insert the words "brick clay, fire clay."—(*Mr. Greer.*)

Mr. A. M. SULLIVAN said, he had an Amendment in line 3, to omit the words "the right," and insert the words "such rights as now belong to the landlord."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that, under the present law, the tenant from year to year could refuse to let his landlord or anybody else come on his land, and he thought it better to give the landlord that right. The landlord might have the right to mineral and timber, but with a yearly tenancy interposed he could not go on the land to get them.

Mr. MARUM rose to a point of Order, and stated that he had an Amendment going to the entire of the Amendment of the Attorney General for Ireland, and providing that—

> "Nothing in this section contained shall confer on the landlord any right otherwise than he would have if this Act did not pass."

Was it in order to move an Amendment which had not been put?

The CHAIRMAN: The Amendment is before the House, and the hon. Member intends to move an Amendment in line 4.

Mr. PARNELL inquired, whether it was not usual in Ireland, where there was a lease, for the landlord to serve notice on the tenant if he wished to enter the land to search for minerals; and whether some notice would not be necessary in this case, at all events, in regard to mining?

The ATTORNEY GENERAL for IRELAND (Mr. Law) explained that if, in a lease, a landlord reserved minerals or other parts of the soil, he retained the right to get at them without another word. The reservation of "the right" was in such cases superfluous; and the difficulty here was, that although these things belonged to the landlord, the yearly tenancy interposed, and yet it had been thought so unreasonable in the tenant to object to the landlord's entering for these purposes, that the Legislature in 1870 relieved the landlord, thus prevented from entering, of all liability to pay compensation for disturbance, if under such circumstances he evicted the tenant.

Question proposed, "That those words be inserted in the proposed Amendment."

The ATTORNEY GENERAL for IRELAND (Mr. Law) expressed the opinion that this was a reasonable Amendment.

Mr. BIGGAR said, he thought it an unreasonable Amendment. The cutting of clay for bricks entirely destroyed the surface of the ground, and, perhaps, caused permanent damage. In some districts, where brickmaking was carried on to a large extent, the parties letting the land made stringent conditions with the lessee that he should leave the property at a particular level, and did not allow him to dig as deep as he pleased. He had to leave the land in such a condition that it would answer afterwards for building or other purposes. Then, to make the clay useful, the bricks must be made on the spot; and the practical result might be that for a small sum, perhaps equal to half-a-year's rent, the landlord would turn the tenant farmer out of his holding. The Amendment was one which the Government should not accept, and which a large proportion of the Irish Members might oppose.

The ATTORNEY GENERAL for IRELAND (Mr. Law) observed, that the earth taken was that which the tenant could not make use of. It was to be taken away, and would not be made into bricks on the spot.

Mr. BIGGAR said, it would not pay a brickmaker to carry away the clay, and he must have power to manufacture the bricks in the immediate neighbourhood. The proposed provision might give rise to annoyance, and there was no advantage in having it in the Bill.

Mr. GIVAN reminded the hon. Member that the clause said—

> "He or they making reasonable amends and satisfaction for any injury to be done or occasioned thereby."

In view of that, he thought there was no chance of the tenant being injured.

Mr. H. H. FOWLER hoped the Amendment would not be accepted, for fire-clay was a mineral.

Mr. MARUM pointed out that the landlord was entitled to go on the land on making reasonable amends, and, therefore, he thought the hon. Member was mistaken in supposing that the landlord could go on the land and destroy the surface without giving compensation.

MR. A. M. SULLIVAN said, everyone knew there was no such thing as taking brick-clay away from where it was dug up; and if the Amendment was to be of any value it must mean that the landlord was to have the power of making bricks on the farm, and that would destroy the farm.

COLONEL COLTHURST said, that there was a brick manufactory near Cork which gave employment to a large number of people. He had received a letter from a person engaged in this trade, who had a yearly tenant on land from which he wanted clay not to burn on the land, but in a manufactory close to the land; he did not wish to injure the tenant, but the tenant demanded an enormous sum for going on the land. And all that the Amendment proposed was that the landlord, or the person having a brick manufactory, should be able to get the material, on paying any compensation which the Court would allow.

MR. BIGGAR suggested that in such a case as this the landlord might exercise his right of pre-emption and buy the tenant out-and-out. Brickmaking was not exceedingly profitable, and to make a profit the brickmaker must have the manufactory and the clay near together. If the landlord would charge a moderate sum as royalty for making bricks on the holding, he thought it would be an encouragement to the tenant and profitable to all concerned.

MR. HEALY felt sure that if the Attorney General for Ireland had understood the subject he would not have accepted the Amendment. He was not satisfied with the words contained in the Amendment—"He or they making reasonable amends," which would very likely give rise to litigation.

MR. GLADSTONE said, the Amendment would leave the landlord in the same position as he was in before. If he wanted to make bricks on the superfluous part of the holding the tenant would make his own terms.

MR. O'CONNOR POWER suggested that the adoption of the words—"He or they making reasonable satisfaction or amends by paying for injury to the tenancy," would diminish the opposition to the Amendment.

MR. BIGGAR said, although the construction placed upon the clause by the Prime Minister might be the true one, it was well known that lawyers were liable to hold different views as to the meaning of clauses in Acts of Parliament. It might be that this power of searching for clay by the landlord or his deputy, would be construed as giving also the right of spreading it out over certain parts of the holding, for the purpose of drying it or of manufacturing it into bricks. If the tenant was to be paid for the injury done to the tenancy under the circumstances, he thought he would suffer less if he were paid a sum of money at once, than if the matter were kept over year after year.

Question put, and *agreed to.*

Words *inserted* accordingly.

MR. GIVAN said, he thought that nothing could be more reasonable than that the Government should accept the Amendment he was about to propose with reference to the taking of timber and turf. He admitted that in the case of a holding where there was an excess of turf, that the landlord had a right to take some of it for the accommodation of those tenants on whose farms there was none. But it was quite possible that the landlord might take more than was necessary for this purpose, or more than the farm could afford; because it must be taken into consideration that turf was, so to speak, a limited quantity, and that the turf which could be spared at one time could not be spared 10 years afterwards. Therefore, it would not be right that at a quantity sufficient for many years' accommodation of the other holdings should be taken. Again, with regard to timber. The rent on many holdings had been raised in recent years, on the ground that the farm had become well-sheltered, and that the buildings were of an ornamental character, and in every respect suitable to a respectable holding. Why, he asked, should the landlord be at liberty to remove that shelter—no matter by whom the trees had been planted? The landlord had not any right to remove the tenant's ornaments on the farm; still less had he any right to remove the trees planted by the tenant and his predecessors in title. The Registration

Acts, which required the tenant to register the timber planted by himself within a certain time if he wanted it to remain his property, were not understood by the tenantry of Ireland. Therefore, he thought the onus of proof should lie on the landlord to show his right to take timber or turf off the farm.

Amendment proposed to the proposed Amendment,

In line 7, after "turf," insert "save timber and other trees planted by the tenant or his predecessors in title, or that may be necessary for ornament or shelter; and save also such turf as may be required for the use of the holding: Provided that the timber and trees shall be presumed to have been planted by the tenant or his predecessors in title until the contrary is proved by the landlord."—(*Mr. Givan.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Amendment of the hon. Member for Monaghan (Mr. Givan) was one which, to a considerable extent, the Government were disposed to accept. He thought it was a reasonable proposition that when a landlord demised to a tenant a farm with timber upon it, which contributed to its ornament and shelter, he ought not to have the power to come in the next day and cut down the trees. At the same time, no matter who planted the trees, it must be borne in mind that they belonged to the landlord in point of law. As all his hon. Friend wished was to make it clear that although the timber would remain the property of the landlord, he should have no power, during the tenancy, to diminish its attractiveness or value by cutting down trees that were either useful or ornamental. He was accordingly prepared to accept the Amendment down to the word "holding," inclusive.

Mr. SYNAN thought the landlord ought to prove whether the trees were planted by the tenant or not.

Mr. GORST said, he wished to point out that the clause provided not only for the cutting but the taking of timber. If the Amendment were accepted, the landlord would not have the right of taking timber that might be blown down. But, surely, in such a case, the landlord ought to be allowed to come upon the farm and take the timber away.

Mr. GIVAN said, the hon. and learned Member for Chatham (Mr. Gorst) had always some very fine point to urge; but, surely, he did not argue now that if the timber was planted by the tenant the landlord had a right to it if it were blown down.

Mr. GORST said, he had simply asked whether he could come to fetch his own property which might be blown down?

The CHAIRMAN said, as this was an Amendment to an Amendment, it might be more convenient if the hon. Member would withdraw it, to allow the words agreed to by the Attorney General for Ireland to be put.

Amendment, by leave, *withdrawn.*

Amendment proposed to the proposed Amendment,

In line 7, after "turf," insert "save timber and other trees planted by the tenant or his predecessors in title, or as may be necessary for ornament or shelter; and save also such turf as may be required for the use of the holding."

Mr. GRANTHAM pointed out that a great difference existed between timber as an ornament or shelter to the house and timber as ornament or shelter to the farm. The Amendment made no distinction at all in this respect; and if it were agreed to as it stood, the result would be that no timber whatever could be taken by the landlord. He presumed that the Amendment applied to trees that were ornamental and afforded shelter to the house, and that the words were to be inserted in that sense.

Mr. A. M. SULLIVAN said, the hon. and learned Member for Surrey (Mr. Grantham) appeared to have discussed the point raised by the hon. and learned Member for Chatham (Mr. Gorst). If that were so, he would point out that a tree which had been blown down was neither useful for the purpose of ornament nor shelter.

Mr. E. STANHOPE said, the words accepted by the Attorney General for Ireland introduced a very considerable change in the clause moved by him. They had taken hon. Members on that side of the House rather by surprise, and he felt they were entitled to consider whether the Amendment would not require the addition of some words to render it satisfactory.

Amendment *agreed to.*

Mr. HEALY said, he had known farms in Ireland out of which acres of land had been taken for the purpose of making roads, without the tenants receiving one penny as compensation. He therefore proposed that the tenant should have the right to go to the Court and claim compensation under such circumstances.

Amendment proposed to the proposed Amendment,

In line 8, after the word "watercourses," to add "provided that if any road or passage be made through the farm, the tenant's rent shall be reduced by such amount as the Court shall deem just."—(*Mr. Healy.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment.

MR. HEALY said, that unless these matters were brought within the purview of the Court, they might be settled for ever by the payment of £3 or £4.

Amendment to the proposed Amendment, by leave, *withdrawn.*

Amendment proposed to the said proposed Amendment, after "viewing or examining," insert "at reasonable times."—(*Mr. A. M. Sullivan.*)

MR. GIBSON said, he was afraid these words might give rise to a great deal of litigation. Who was to be the judge of what "reasonable times" were?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Court would be the judge. He had no objection to the Amendment.

Amendment *agreed to.*

Amendment proposed to the said proposed Amendment, to leave out the word "hunting."—(*Mr. Lalor.*)

Amendment *negatived.*

MR. LITTON said, the next Amendment stood on the Paper in his name, and he moved it because he believed that if they deprived the landlord of his right to the game—which had not so much an intrinsic as a sentimental value —they would do much to injure the good relations which should exist between landlord and tenant. The right of taking game was reserved to the landlord where a lease was executed; and as the Committee were about to substitute a statutory term for a lease, the game ought to be reserved to the landlord, just the same as if a lease had been executed.

Amendment proposed to the said proposed Amendment, to insert—

In line 11, after "fish," the words "the right of taking which shall belong exclusively to the landlord, subject to the provisions of 'The Ground Game Act, 1880.'"—(*Mr. Litton.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he was not sure that the words would fit in with the earlier part of the section.

MR. BIGGAR said, the Amendment reserved to the landlord every right that belonged to him at present, whereas the effect of the clause, as it stood, might be to create a right or power for the landlord which did not exist at present. Of course, it was clear that if the game was reserved to the landlord he must have the right to go on the land to look for it. The Amendment should be accepted; but he should like to know what the Government thought about it. The right hon. and learned Gentleman the Attorney General for Ireland had made a speech on the subject; but he (Mr. Biggar) had only been able to hear a few words of it, and he was not sure whether the right hon. and learned Gentleman proposed to agree to the Amendment or object to it.

LORD RANDOLPH CHURCHILL said, the Government seemed to have accepted the Amendment, and he was surprised at that, after they had expressed a doubt as to the legal effect of it.

MR. SYNAN said, that as fish were not ground game—[*Laughter*]—he failed to see the fitness or propriety of the Amendment. He thought the Committee should accept the Amendment of the hon. Member for Mid Lincolnshire (Mr. E. Stanhope) instead of that of the hon. and learned Member for Tyrone (Mr. Litton). This Amendment was—

"Provided always that nothing in this section contained shall alter or effect the rights of the tenant under 'The Ground Game Act 1880.'"

Amendment to the said proposed Amendment *agreed to.*

Amendment proposed to the said proposed Amendment,

In line 11, after "fish," insert "Provided, nevertheless, that the tenant shall be entitled to compensation for any extraordinary or unnecessary damage done to crops or fences in the exercise by the landlord of such rights."—(*Mr. O'Kelly.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could not accept the Amendment.

Amendment, by leave, *withdrawn.*

MR. MARUM said, he had the following Amendment on the Paper:—

In line 11, after "fish," to insert "Provided that nothing in this section contained shall confer upon a landlord any right which he otherwise would not have had if this Act had not passed;"

but the effect of this would be directly to negative the clause they were passing. He had placed it on the Notice Paper before the clause had assumed its present shape, and he only mentioned it now because it stood in his name, and some hon. Members might like to express their views with regard to it. He would leave it in the hands of the Committee.

MR. PELL said, he wished to see the word "persistently" struck out. He could not see what the object of inserting it was. It was not used in the Act of 1870, and was, therefore, a complete change in the law.

Amendment proposed to the said proposed Amendment, in line 12, to leave out the word "persistently."—(*Mr. Pell.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment. It would not be reasonable to make a forfeiture out of the most temporary difficulty thrown in the way of the landlord. The obstruction might be only three or four minutes.

MR. CHAPLIN said, he hoped his hon. Friend would divide the Committee on the Amendment. The right hon. and learned Gentleman had given them no reason for refusing it, and he should like to ask him for a word or two of explanation with regard, for instance, to obstructing the landlord in the hunting field. The right hon. Gentleman said the obstruction might be only for three or four minutes; but a person obstructed for that length of time in the hunting field might very likely have his whole day's sport destroyed. He was not raising this question as a joke, but as a serious matter. They had enumerated in the clause certain things which the landlord was not to be prevented from doing. The Government acknowledged the principle that it was wrong to prevent him from doing them; but, by insisting on the word "persistently," they enabled the tenant to obstruct the landlord in many ways with impunity.

MR. CARTWRIGHT said, he had an Amendment on this very point, to leave out the word "persistently," and insert "unreasonably," which was used in the Act of 1870.

MR. GREER thought the word "unreasonably" would be likely to lead to misunderstanding and litigation.

MR. PELL thought the word "obstruct" was sufficiently strong, without "persistently." The word "unreasonably," which was used in the Act of 1870, would be preferable to the word in the Amendment.

MR. EDWARD CLARKE said, there was a difficulty about the word "persistently," which was a new word, altogether unknown in law, and, therefore, not defined by any decisions. It would give rise to great uncertainty. No doubt, if the framework of this measure were similar to the framework of the Act of 1870, the word "unreasonable" would answer the purpose as well, for that was used in the former Act, which dealt with the refusal of the tenant to allow the landlord to enter. The term "persistently" was followed in the clause, as originally drawn, by the word "refuse," and no doubt, in that case, the term "unreasonably" might have been used; but now the phrase had been altered, and instead of being "persistently refuse to allow the landlord," &c., which imported a deliberate action on the part of the tenant, it was "persistently obstruct the landlord," &c., which might or might not be a deliberate action. The word "wilfully" would carry with it deliberate and intentional obstruction, and he would suggest that that term should be used. If the Government would adopt the word "wilfully" in place of the word "persistently," he thought it would remove all difficulties.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought it would be too severe to provide that the tenant should be forced to sell his holding on account of some temporary obstruction, even though that obstruction might be wilful. And it should be remembered that the landlord was not left unprovided for, because he could bring an action and recover damages. It was not for, perhaps, a merely momentary obstruction that he should be forced to sell his farm and home.

MR. PLUNKET pointed out that the section of the Act of 1870 from which the word "unreasonably" was taken was really so serious a business that it was not now proposed to apply that word. His hon. Friend had said that the word "obstruct" was not a stronger word than the word "refusal;" but he (Mr. Plunket) thought it was. Obstructing a landlord was a very serious business indeed. For his own part, he did not very much care whether the word used was "unreasonably" or "persistently."

MR. TOTTENHAM said, it seemed to him that there had been much too limited a view taken of this question by each hon. Member who had spoken. The matter had been dealt with more as a matter of hunting, shooting, and fishing than anything else; but if he read the clause aright, the saving clause or proviso at the end governed the whole of the provisions of the clause, and the consequence would be that the tenant would have the power to obstruct for a time which might be almost unlimited. The tenant might obstruct the landlord from mining, quarrying, cutting, or taking turf, until the landlord was obliged to have recourse to expensive legal proceedings to prevent the tenant from so obstructing. He thought a sufficiently wide view of the matter had not been taken, and he hoped the Amendment would be pressed to a division.

MR. MORGAN LLOYD said, it appeared to him that all obstruction by the tenant should be prohibited; but persistent obstruction only should be declared to be a ground of forfeiture of the tenant's interest. The clause as it stood was ambiguous, and the rights reserved to the landlord of entering upon the land for the purposes of quarrying, mining, shooting, &c., was only impliedly reserved, and only persistent obstruction on the part of the tenant was prohibited. He thought the clause should be divided into two portions—one declaring what rights were reserved to the landlord, and the other specifying what degree of obstruction was to be a cause of forfeiture.

Question put, "That the word 'persistently' stand part of the said proposed Amendment."

The Committee *divided:*—Ayes 233; Noes 133: Majority 100.—(Div. List, No. 264.)

Words, as amended, *inserted.*

LORD ARTHUR HILL moved to insert, in page 5, after "bankruptcy," the following sub-section:—

"(6) The tenant shall not, in his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors, or undertake any trade or business of a dangerous or obnoxious character."

He hoped that the right hon. Gentleman who was in charge of this Bill would be able to see his way to the acceptance of this Amendment, as it only sought to do that which was practically just and practically fair between landlord and tenant. No one could say that this Amendment was what was commonly called a "landlord's Amendment," or one that was entirely in favour of the landlord, and, therefore, against the tenant's interest.

Amendment proposed,

In page 5, after sub-section (5), to insert, as an additional sub-section, the words "(6.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors, or undertake any trade or business of a dangerous or obnoxious character."—(*Lord Arthur Hill.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the Government could not accept the proposed Amendment. The noble Lord was quite right in saying that it was not a landlord's Amendment; but, on the other hand, it was really a proposal that had, he submitted, already been disposed of the other night on an Amendment moved by the hon. Member for Leominster (Mr. Rankin). The answer which was given then must, he submitted, be the answer now, that the subject was one to be dealt with by the justices at the Licensing Sessions, who were not usually anxious to open more public-houses than there was any necessity for.

MR. R. N. FOWLER wished to hear what were the views of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) on this question. This was a temperance Amendment, and he thought the great apostle of temperance in the House of Commons ought to give it his support.

SIR WILFRID LAWSON said, he would rather make progress with the Bill than enter into any discussion on this point.

Mr. MULHOLLAND said, he did not think it was altogether a question of temperance, and was very much surprised that the Government did not see their way to the acceptance of the Amendment. The landlords now had the power to prevent the creation of public-houses on their estates by serving notices to quit; but by this Bill the tenant would have given to him a power which he did not possess before of defying ejectment. Of course, it was right that the tenant should have power over anything that was necessary for the cultivation of the land; but the founding of a public-house upon his holding was quite a different matter, and were in no way connected with the legitimate business of his farm, and he (Mr. Mulholland) could not understand why the Attorney General should oppose the Amendment. He trusted that, upon re-consideration, the Government would accept the Amendment.

Viscount GALWAY thought that whatever changes might be made in the terms and conditions of the tenure of land, no public-house ought to be erected on a man's property without that man's consent. It was argued that because the magistrates were all landlords, no licence would be given against the landlord's wish; but if County Boards, or the Local Option Scheme were adopted, this argument would cease to be available.

Mr. WARTON pointed out that they were now creating a statutory tenure of 15 years without any lease at all, and departing, thereby, from the old term of a seven or a 14 years' lease. He would venture to say—and he was sure the Attorney General would confirm the statement—that in nearly every well-drawn lease provision was made against the carrying on of any noxious or dangerous trade. In these artificial leases that they were now creating, why should not the landlord have the some protection that he had in others?

Mr. TOTTENHAM understood the Bill to be one in favour of small tenants and not of publicans. Everyone who knew anything of the country districts knew that the greatest mischief to the country was hatched in these rural or agricultural public-houses, and every person who wished well to the country would try to prevent the extension of those public-houses. He was acquainted with a small village containing less than 20 houses, and in that village there were no less than 10 public-houses. ["Oh, oh!"] That was not a state of things which should be encouraged by Parliament; but Parliament ought, on the contrary, to use every means in their power to suppress it. He thought the Amendment commended itself to the general judgment of the House, and if it were pressed to a division he should certainly support it.

Mr. A. M. SULLIVAN said, he thought the picture just given of the conduct of the Irish magistracy was a most deplorable one. If any tenant-righter in the Committee had drawn such a picture of the hon. Member for Leitrim's (Mr. Tottenham's) brother magistrates as the hon. Member had done himself, in declaring that they had licensed 10 public-houses in a village containing only 20 houses altogether, it would have been said that such a picture was a libel upon the Bench.

Mr. MACARTNEY said, he thought it very probable that those Members of the House who were magistrates were in favour of the Amendment, and that those who were not were against it. He had been sorry to see the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) throw temperance and cold water altogether on one side. The number of public-houses in Ireland was excessive; and he thought any provision in an Act of Parliament to limit their number would be most useful.

Mr. CALLAN happened to know the villages referred to by both hon. Members, and in one of them 10 of the licensed houses belonged to one landlord. The magistrates would only give licences to houses on the property of their brother magistrates.

Sir WILFRID LAWSON said, he had the greatest pleasure in supporting the Amendment, being perfectly delighted to find that the landlords were so anxious to protect their property from public-houses.

Lord JOHN MANNERS said, he had listened for some argument against the proposal, but he had heard none. The Attorney General said the licensing magistrates could do what they liked; but Gentlemen who spoke for the magistrates of Ireland were extremely anxious that this Amendment should be inserted in the Bill. The Amendment seemed to him a reasonable and moderate proposal, and he hoped the noble Lord would press it to a division.

Sir JAMES M'GAREL-HOGG said, he was the landlord of some property in Ireland, upon which there were no public-houses at all. He hoped the noble Lord would press his Amendment, and he should give it his hearty support, for he should object to having public-houses on his property without his consent.

Sir R. ASSHETON CROSS thought the Committee, having heard the views of the Attorney General for Ireland on the subject, ought to hear the opinion of the Chief Secretary.

Mr. MARUM did not see any necessity for extending the power of the landlord, and he should oppose the Amendment.

Mr. GLADSTONE said, he thought it very unlikely that the licensing authorities would make any misuse of their powers; but he admitted that there was great force in the observation that what the Bill proposed to do was to protect agricultural tenants in the prosecution of agricultural pursuits, and, looking at the rigid nature of the statutory leases, he thought it might be right to introduce some provision of this kind. The Government could not, however, agree to the Amendment exactly as it stood. They could not agree to the words "dangerous or obnoxious character;" for the Committee had already rejected an Amendment substantially equivalent to those words—namely, the Amendment that—

> "The tenant shall not do or permit to be done anything which may be or which may become a nuisance or annoyance to the landlord or his other tenants."

That, he apprehended, corresponded exactly in substance with the words "dangerous or obnoxious character." But the Government would be quite willing to propose something in the direction aimed at; and he thought the best plan would be to reserve the point for consideration, and the Attorney General for Ireland would undertake to bring up a sub-section on Report, which would have the effect of meeting the view of the Amendment as to public-houses, and also as to undertakings in which there was danger involved.

Sir STAFFORD NORTHCOTE though it would be more convenient to take the words of the Amendment at present, and then, if necessary, re-consider them on Report. They would then have on record the opinion of the Committee as to the question of the sale of intoxicating liquors.

Mr. HEALY said, the Bill was getting more and more worthless as it proceeded. He could not help thinking the Government had been studying Lord Salisbury's lease, under which his tenants at Charing Cross were forbidden to let their premises to grocers and several other kinds of tradesmen.

Mr. T. D. SULLIVAN said, he strongly objected to the words "or undertake any trade or business of a dangerous or obnoxious character." What trade might not be held by an Irish landlord to be of an obnoxious character? Possibly the sale of Liberal newspapers. He wished to see no extension of public-houses in Ireland; but he certainly objected to making the landlords the authorities in the matter. The landlords in Ireland might be very well content with the powers they already enjoyed as magistrates, without seeking new powers under this Bill.

Mr. GLADSTONE said, he was willing to accept the words of the Amendment with regard to public-houses, and thought the other words could be considered afterwards.

Mr. DALY remarked, that this clause would put large powers into the hands of any landlord who might be unprincipled enough to extort from a tenant an exorbitant price for a thing for which he had never paid anything.

Sir WILFRID LAWSON suggested the omission of the words "without the consent of his landlord," so that the clause would run—"open any house for the sale of intoxicating liquors." If he was in Order, he would move that Amendment; for he thought the tenant should not have the power to open a public-house even with the consent of his landlord.

Lord ARTHUR HILL proposed to leave out the words "or obnoxious" from the Amendment.

Mr. GLADSTONE observed, that the Committee would then have to consider the Amendment further on Report; and he suggested that the noble Lord should stop at the word "liquors."

Mr. WARTON said, he hoped the noble Lord would persist in the Amendment, and leave it to the Prime Minister to alter it on Report. It was necessary that the landlord should have this power of restraining his tenants.

Sir STAFFORD NORTHCOTE said, he understood that the Prime Minister agreed to what was the main point of the discussion—to the Amendment down to the words "intoxicating liquors," and would consider what further provision could be made on Report to meet the object of the other part of the Amendment. He thought time would be saved if his noble Friend would consent to stop at the words "intoxicating liquors."

Lord ARTHUR HILL was perfectly willing for his Amendment to stop at the word "liquors," as had been suggested by the right hon. Gentleman, but hoped the matter of the remaining part would be considered on Report.

Mr. CALLAN regretted exceedingly that the Prime Minister had not left the conduct of this Amendment to the Attorney General for Ireland, and trusted the discussion had taught him the lesson that it would be much more advisable, in the interest of the Bill, if he followed the procedure of the Attorney General in 1869 on the Church Bill, in resisting all Amendments except after consultation with the Members from Ireland, and not follow the practice of 1870 in accepting Amendments from parties who were opposed to the Bill. The other night the Prime Minister had gone into the Lobby against Local Option, and giving the people power to decide whether they should or should not have public-houses; yet here the right hon. Gentleman accepted an Amendment giving to the landlord that which he refused to the people—the power of refusing to have licences—unless they were well paid for their consent. He hoped a division would be taken to show how they objected to the acceptance of an Amendment of such a nature.

Mr. MACARTNEY said, he understood that the Bill dealt entirely with agricultural holdings and not with holdings in towns or villages; and as it had always been held obnoxious and objectionable to have public-houses dispersed on the roads between town and villages, he was surprised at the course taken by the hon. Member, and thought the noble Lord was doing an act of public justice by proposing this Amendment.

Mr. HEALY said, he held that they could not allow the Amendment to be withdrawn, and must insist upon a division. What happened when Amendments were moved was this. At first, when an hon. Member on the Conservative side proposed an Amendment, the Government took no notice. Then half-a-dozen Gentlemen got up and the Government began to consider it. A Gentleman on the Front Opposition Bench followed, perhaps, and then they began to think it was a good thing, and after three or four more from the Front Bench had supported the Amendment it was accepted. But if an hon. Member from Ireland got up, the Government said they saw nothing in it, and the hon. Member was sat upon. The Tory Party being in force could enforce its Amendments; but as the Irish Party were not in force they were to be sat upon. In this case they must insist upon attempting to negative the Amendment.

Mr. BIGGAR said, he failed to see on what grounds the Government had agreed to the Amendment, and observed that the Bill was getting worse and worse, so that when it got through the Committee it would not improve the position of the people of Ireland at all.

Amendment proposed to the proposed Amendment, to leave out from the word "liquors" to the end thereof.—(*Lord Arthur Hill.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

Mr. BIGGAR rose to a point of Order, and pointed out that the other words of the Amendment had not been agreed to.

The CHAIRMAN: It is quite competent to propose to amend an Amendment by striking out any part of the Amendment; and when the Committee has decided whether the words shall be left out, then I put the other part of the Amendment.

Sir WILFRID LAWSON asked whether the other part of the Amendment would then be open to amendment also?

The CHAIRMAN: An Amendment is like a clause which, if amended in a later part, cannot afterwards be amended in an earlier part.

Mr. CALLAN: Having put the Question to the Committee that these words be left out, it is not in your power now, Sir, to go back on the proposed Amendment.

The CHAIRMAN: The Question I put is on the latter part of the Amendment.

Question put, and *negatived.*

Question proposed,

"That the words '(6.) The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors' be there inserted."

SIR WILFRID LAWSON wished, if he was in Order, to move to leave out the words, "without the consent of his landlord."

THE CHAIRMAN: I have already explaind that the hon. Baronet is too late, because the latter part of the Amendment has been put, and we cannot go back to the former part.

MR. HEALY asked whether any more could be said upon this matter?

THE CHAIRMAN: Certainly.

MR. HEALY said, the Amendment was so important that the Irish Members could not permit it to be accepted at that time of the night. He thought the Government ought to have time for further consideration. The Irish landlords were the magistrates; and they already had ample power as magistrates to prevent a public-house being opened in any particular locality. The Government would make no other magistrates but landlords, and they would appoint evicting landlords. The proposal was so serious a one that he should move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Healy.*)

MR. T. P. O'CONNOR said, he was very glad the hon. Member had made this Motion, for he was astounded to find that the Government had agreed to the Amendment. Could anything be more absurd than to admit in a discussion on the Land Bill the question of temperance or non-temperance? If ever there was an act on the part of the Government which helped the obstruction and slow progress of their Bill by the introduction of irrelevant matter it was their consent to this Amendment. Was this a question germane to the Bill or not? The question whether there should be public-houses on farms or not was a question that might be left to the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), who, after the manner of persons advocating unpopular movements in which they believed, was in the habit of raising this question in season and out of season; but nothing could be more monstrously objectionable or absurd, or unwise, from the point of view of strategy, than for the Government to accept this Amendment.

MR. GLADSTONE said, apart from any question of temperance the matter stood thus—the Court would be authorized to interfere between landlord and tenant, and to fix a judicial rent, and to constitute a statutory term of tenancy of 15 years, on the basis of a certain agricultural rent. The present proposal was that the holder should have the power of very considerably increasing the value of his holding through the trade in alcoholic liquors, to very greatly increase the value to himself if he still continued to enjoy the occupancy at the rent fixed by the Court. That, without any reference to temperance at all, was the bare answer to the hon. Member, and he could not accede to the Motion to report Progress. The allegation that it was of too great importance to discuss now was really not a fair allegation to make. If it was so, then what were all the other portions of the Bill that had been taken at a considerably later period?

MR. O'SHAUGHNESSY trusted the Committee would arrive at a decision that night. He did not think the proposal to enable landlords to prevent the opening of public-houses on purely agricultural tenancies was any innovation on the state of things existing at present. They were about to turn into statutory tenants for 15 years many who were now tenants from year to year. Now, if a tenant from year to year opened a public-house on his holding without the permission of his landlord, the latter could serve a notice to quit and turn the tenant out; therefore, as the law stood, the landlord had the power by which he could prevent the tenant from opening a public-house, and if it was desired to preserve and not to increase the landlord's right, they must be left in the possession of the power in this respect they now have. The effect would be to enable the landlord, if the tenant did such a thing, to put him back to the position of tenant from year to year, thus dealing with the case as it now would be dealt with; therefore, no new right would be conferred on the landlord beyond what the law gave him. He confessed he had no sympathy with a purely agricultural tenant seeking to open a public-house. He had voted against every concession to landlords and every Motion for the restriction of the opening of public-houses generally; but when it came to a tenant, in the middle of a country district, opening a public-house, he could see no necessity for that being done. There were villages all over Ireland where public-houses could be opened, and there was really no necessity for it. The Bill was legislation for agricultural utility; there would, in this point, be no interference with a tenant's agricultural prospects if, when he opened a public-house and the holding ceased to be one for purely agricultural purposes, the tenant resorted to his present position.

Mr. T. D. SULLIVAN wished to know if the concession made by the landlord to a tenant to open a public-house would entitle the tenant to a licence? [" No, no!"] It would very much limit the discussion if the Government had announced as much. It was essential for the peace and quiet of Ireland that the power possessed by Irish landlords should be reduced, not enlarged, as it would be by this proposal. Besides, he wished to emphasize what had been said by the hon. Member for Cork that it would enable the landlords to sell their consent to the tenants desirous of opening public-houses on the property. He wished the number of public-houses not to be enlarged, and he objected to the landlords being the licensing authorities in Ireland.

Mr. HEALY said, he always voted with the Motion of the hon. Member for Carlisle (Sir Wilfrid Lawson), he voted for Local Option, and he wished there were no public-houses in England. He was in favour of temperance out-and-out; but he was not in favour of extending the power of Irish landlords. The Bill proposed to do that. The hon. and learned Member for Limerick (Mr. O'Shaughnessy) said if a tenant now opened a public-house the landlord might turn him out; true, but then he had to give compensation for disturbance, and under the Bill, as he understood it, the landlord would not have to do that, the tenant's statutory term of 15 years would be forfeited, this being a breach of one of the conditions, and the tenant would not get 1*d*. When a yearly tenant was put out for opening a public-house he got compensation for disturbance; but for a breach of a statutory condition the tenant would get nothing. He certainly intended to persevere with his Motion, though charged with obstruction, a charge Irish Members were accustomed to. They got no concessions unless from first to last they kept up a continual fusillade on the Treasury Bench. It was necessary to take these measures. The Opposition generally had no need of obstruction; they had but to get up by the score, and under this pressure the Government made concessions, and there was no necessity for the Motion he had made as a protest. He hoped when the Motion was defeated some one of his hon. Friends would renew the Motion, and move that the Chairman leave the Chair, following the example of Members of the Government, when in Opposition, upon the Public Schools Bill, and when the present Secretary of State for India and the present Chief Secretary for Ireland kept the House sitting until 4 in the morning, because the then Government suddenly accepted a proposal brought forward by Lord Robert Montagu. The present Amendment had been suddenly accepted by the Government, and the Committee had no idea that it would be. It was an addition to the power landlords now have. They, as the licensing authority, had but to gather their clans and effectually quash any proposal to open a public-house. What then could be the necessity for any such clause in the Bill?

Mr. GRAY said, he was not disposed to support the Motion to report Progress, because he was not inclined to interpose minor obstacles to the substantial progress of the Bill. If every detail was discussed at the length to which this discussion had been carried, there would be no hope of getting the Bill through, and he was not prepared to run this lamentable risk. But he was bound to say the Government had brought this difficulty upon themselves. The argument of the Prime Minister proved nothing or it proved too much. If the Committee were to discuss this question excluding temperance in the abstract, then the Amendment should have been wider, or it meant nothing. The right hon. Gentleman said, suppose an agricultural tenant, by a trade in spirituous liquors, improved the value of his holding, he was not entitled to have that increased value; but suppose he established any other trade—a drapery trade, a baker's shop, or any other branch of industry, and thereby increased the value of his holding, was he thereby deprived of his statutory term? If not, then it was essentially a temperance question the Committee were discussing. It was impossible to exclude it. If you do you must say any business carried on may empower the landlord to levy an increased rent. When he used his argument then the Prime Minister stated too much for his own case; still, the point raised was not of such importance as to justify the step which had been taken in consequence. He regretted the constant concessions to the Opposition, and he knew it was creating a very unfavourable impression in Ireland. While there was a feeling of anxiety to see the Bill passed, there was gradually creeping over the public mind a feeling of despondency and mistrust of the course the Government were taking, in yielding, one by one, points to the Opposition. They knew their own position best; they wanted to pass the Bill, in the belief that that was the main thing. But he thought to settle the Land Question was the main thing, and if they persevered in their present course they would fail of success in that object.

MR. BARRY said, he regarded the Amendment as of a character so superfluous, and foreign to the character of the Bill, that he thought it his duty to offer his strenuous opposition. There was a kind of hazy idea when the Bill was introduced that its principal object was to limit and restrain the evil power of the landlords, so often misused; but the further the Bill went he found that instead of being diminished that power was gradually increased. He was as strongly in favour of temperance as was the hon. Baronet (Sir Wilfrid Lawson); but he strongly objected to a licensing provision of this stringent character being passed in connection with a Land Bill. Already the Irish landlords had sufficient power as licensing justices to deal with this question; and he could see no other result than that mentioned by the hon. Member for the City of Cork (Mr. Parnell), that the tenant would only get the consent of his landlord by paying the landlord a certain consideration. It seemed to him to be opening another avenue of legal robbery to the Irish landlord, and on that account he should give the Amendment a determined opposition.

MR. O'DONNELL said, he certainly thought the observations of his hon. Friend the Member for Carlow (Mr. Gray) had clearly shown that the Amendment which had been accepted by the Government could not be defended except on the ground of a forcible maintenance of temperance principles, and he was very much of the opinion of most hon. Members that the less intemperance there was in Ireland the better; but even from the point of view of temperance principles he did not believe the Amendment would do the slightest good. The Committee might be advised and instructed by the incident related by the hon. Member for Northampton, who read a letter of a certain noble Lord who had great objections on moral and social grounds to having public-houses on his estate, but who graciously waived his moral and social objections when he received a £20 note. The Amendment accepted by the Prime Minister was certainly admirably adapted for putting £20 notes into the pockets of landlords. There would be no defence of temperance principles; it would simply facilitate mean little jobbing transactions by the landlords and, perhaps, the meaner class of Irish tenants. He was sorry such a thoroughly ridiculous and obnoxious Amendment had been accepted, and no good would result; and he should support the protest against it if called on to vote. At the same time, looking at the general character of the Bill, he did not at all object to a little Government feature of this kind being kept in it, for a good deal more would be left to be done towards settling the Land Question after the Prime Minister had done his best. He had considerable hopes, at one time, that there would be a satisfactory settlement of the question at the hands of the Prime Minister; but since Michael Davitt had been consigned to gaol the right hon. Gentleman had wandered further and further from his first high ideal.

MR. CALLAN asked the Chairman whether, when the Motion to report Progress had been disposed of, the question would be put that the words—

> "The tenant shall not on his holding, without the consent of his landlord, open any house for the sale of intoxicating liquors,"

be added, and would it then be competent for the hon. Baronet the Member for Carlisle to move that a certain portion of these words be left out, the Committee not having affirmed any portion of the Amendment? Could the hon. Baronet move that "without the consent of his landlord" be omitted?

The CHAIRMAN: I have already explained to the Committee that after a portion of the Amendment has been struck out it is not competent for an hon. Member to go back on any preceding portion of the Amendment. There is no second reading of an Amendment as there is to a new clause.

Mr. CALLAN: Has any portion of the Amendment been affirmed?

The CHAIRMAN: The Question will be put when the Motion to report Progress is decided.

Major NOLAN said, he took advantage of the opportunity this Motion presented to ask a question as to the general machinery in regard to the Bill. On Clause 19 and other parts of the Bill could private Members move that a larger sum of money should be advanced than was now by the Bill proposed to be advanced? This point would occur on Clause 19; but it would be too late then to raise it with the object of moving an increase. He also wished to know if it was in the power of a private Member to bring forward a proposition to impose various charges on the Treasury, or to propose that the Treasury should advance more money? Could a private Member do this, or what steps should be taken?

The CHAIRMAN: I am aware that the hon. and gallant Member has previously spoken to the Speaker on this point, and that the Speaker informed him that his application should properly be made to the Chairman, and I agree with him that the question can only be put on a Motion to report Progress. I must refer the hon. and gallant Member to the Indemnity Resolution passed on the 31st of May, in which he will find the terms are large; but I cannot reply until I see the terms of his Amendment, whether it will come within those terms or not. On reference to the Resolution he will find the terms are large.

Major NOLAN said, he would ask the question on another occasion.

Mr. JUSTIN M'CARTHY said, he strongly objected to a Motion to report Progress simply for the purpose of obstructing the Bill; but he felt that that was not the course pursued now. He was extremely sorry that the Government had accepted the Amendment which had been forced upon them. The motive of the Bill was to settle the Land Question in Ireland in a great measure by altering the position in which landlord and tenant had stood for generations, and placing them on something like equal terms. It was proposed to recognise that the tenant had some property in the land, the old relation of master and servant was to be swept away, and the two were to be regarded as parties to a contract. But by this concession which the Government had made, absolute supremacy was given to one party over the other, making him complete master, and giving him the right of saying that the tenant should or should not follow an occupation he might think prosperous. This power, it was said, was to be given in the interests of sobriety; but a concession of the kind would act in the other direction, for a positive temptation would be held out to landlords to allow public-houses to be started. The landlord got the power of raising a certain property out of public-houses in the shape of tribute in return for his consent. In every way it would defeat the end in view, and do much injury to the chance of settling the whole question.

Mr. BIGGAR said, there had been in Ireland a disposition to look friendly upon the Government Bill, and those most interested, the people themselves, agreed to the second reading, looking forward to the Bill being improved in Committee, and Irish Members, with this end in view, would do their best to assist the Government; but, instead of improving, the Bill was becoming worse, and it was a question for those who formerly favoured the Bill whether it should not now be turned out altogether. The Government had made so many additions that he really believed that no party in Ireland wished to see the Bill passed in the shape it would assume if this and other Amendments were accepted from the Opposition Benches.

Question put.

The Committee *divided*:—Ayes 17; Noes 292: Majority 275.—(Div. List, No. 265.)

Question again proposed, "That those words be there inserted."

MR. T. P. O'CONNOR said, it was not his intention, nor that of his hon. Friends near him, to give anything like a strong opposition to the Amendment by moving the alternative Motion that the Chairman do leave the Chair; but before the Committee went to a final decision he would wish to say a word on the question which had been raised. He would venture to repeat the appeal made to the hon. Member for Carlisle (Sir Wilfrid Lawson) by the hon. Member for Longford (Mr. Justin M'Carthy), and would ask him not to vote for the Amendment under the false impression that he was thereby encouraging the cause of temperance that he had so much at heart. The direct effect of the Amendment, if carried, would be to multiply public-houses. ["Oh, oh!"] He trusted he would be listened to with patience by hon. Members behind the Front Ministerial Bench. In this Amendment a distinct temptation would be held out to the landlords in Ireland to encourage the growth and multiplication of public-houses by making the issue of the right to open a public-house an act of sale on the part of the landlord and an act of purchase on the part of the tenant. He would, at the same time, draw attention to the general action of the Government and the general tendency of this measure. During the past week or two nearly every concession that had been made by Her Majesty's Government had been a concession given in the hope of buying off the opposition of the Conservative Party to the Bill. ["No, no!"] Well, he knew the Conservatives around him denied that proposition, and that the Ministerialists denied it also. The Ministerialists denied it, because nothing that the Ministry could do was, in their eyes, wrong; and the Conservatives denied it, because their appetite for concession had grown by what it fed on, and they hoped to get a little more.

MR. ARTHUR ARNOLD: I rise to Order. There is no Amendment before the House, and I wish to ask whether it is competent for the hon. Member to continue these observations?

THE CHAIRMAN: The hon. Member is entirely out of Order.

MR. T. P. O'CONNOR said, that having been met by these unseemly and discourteous interruptions, he would now move "that the Chairman do leave the Chair," which was, he believed, the alternative Motion. He should now be in Order in proceeding with the general remarks he was making when he was interrupted by the hon. Member opposite. The Government, by this Bill, were increasing the opportunities for clashing, contact, and conflict between the tenants and landlords of Ireland. They were confirming some of the privileges which the landlords of Ireland had hitherto claimed, and they were confirming those privileges under the sanction of a distinct and definite proposition, in place of leaving them in that indefinite domain in which, in their consideration, good feelings might enter. The object of the Government—their absolutely confessed purpose—in this Bill was not to destroy a bad system in Ireland, but to patch up and maintain that system as far as they could. It was time that the Irish Members gave the Government warning that they would not be allowed to pursue this policy of concession to the Conservatives without serious protest from the Irish Members. It was time the Government were informed that if they continued their present policy they could no longer depend upon the loyal assistance which the Irish Members had given them since the Bill went into Committee. ["Oh, oh!"] Yes, loyal assistance by withdrawing some Amendments that they might reasonably have proposed, and by abstaining more than was necessary from taking part in the discussions, although the Bill affected their country, and not England, and although they had better sources of information upon these matters than Englishmen representing English constituencies. It was quite time that they warned the Government that they would gain nothing by attempting to buy off the Opposition.

Motion made, and Question proposed, "That the Chairman do now leave the Chair."—(*Mr. T. P. O'Connor.*)

MR. GLADSTONE: I rise for the purpose of noticing a small incident in the speech of the hon. Member (Mr. T. P. O'Connor), who, although only very recently a Member of the House, has rendered himself a great authority on all questions of law and Parliamentary usage. I wish to recall the recollection of the Committee to what has just taken place. A Member on this side of the House rose and called him to Order, and complained that he was not speaking to any Amendment, appealing, of course, to you, Sir, in the Chair. You, in the most unequivocal terms, ruled him out of Order, whereupon the hon. Member proceeded to complain of what he chose to term "unseemly and discourteous interruption." ["No, no!"] I am speaking in the recollection of the House. If the hon. Member wishes to retract, the Committee, no doubt, would be glad to hear him.

MR. T. P. O'CONNOR said, he had nothing to retract; but he would offer an explanation. He had never said what the right hon. Gentleman attributed to him. What he had said was this—that he was met by unseemly interruptions, and what he had alluded to was not the interruption of the hon. Member for Salford, but the interruptions of hon. Members who sat behind the Prime Minister—those groans and yells that they had all heard. He would name one hon. Member who was interrupting him—the hon. Member for Stockton (Mr. Dodds), who, like Sir Pertinax Macsycophant, thought he could get into power by much "booing."

MR. SHAW said, he thought the Amendment was altogether unnecessary. The landlords had power enough to prevent anything like an extension of public-houses without putting in the Bill a clause on the subject; and it seemed to him injudicious, in the present state of things, to be seeming to grasp at little powers of this kind that could really do no possible good, when there were some really great and important questions before them to be dealt with. He regretted very much that the Government had consented to accept the Amendment to the proposed Amendment; and now, he thought, the Committee should proceed to divide upon it.

MR. JUSTIN M'CARTHY appealed to his hon. Friend (Mr. T. P. O'Connor) to withdraw his Motion, so that the Committee could divide on the Main Question. The "unseemly interruptions" to which his hon. Friend had referred had been those ejaculations which had come from the opposite side during the greater part of his speech. He did not think the Government would do ill if, in these debates, they endeavoured to induce some of their followers to restrain their exuberant zeal.

MR. HEALY said, the Prime Minister had taunted his hon. Friend (Mr. T. P. O'Connor) with having only lately become a Member of the House, and having, consequently, became a great authority on law and courtesy. The right hon. Gentleman seemed to think that no one could learn anything anywhere but in the House of Commons, and that it was a great offence not to have been there 40 years. The right hon. Gentleman, however, was mistaken; and he (Mr. Healy) congratulated his hon. Friend in having, at least, not learnt courtesy in the House of Commons, because he would not have acquired much there — unless, indeed, he had been taught by the hon. Member for Stockton (Mr. Dodds), and Members of his character. The Amendments that the Government had been lately accepting had made the Bill so bad that he was afraid the Irish Members would have to vote against it on the third reading. When he had addressed his constituents some time ago he had been able to point out some good in it; but the Amendments that had been accepted, and those that were to be proposed, would have so entirely changed its character that it would not be worth the paper it was printed on. Some people in Ireland, who had not the inestimable advantage of a seat in that House, had thought that when the Bill got into Committee it would be amended and rendered more satisfactory. These benighted individuals, having had no experience of the House of Commons, thought it would be amended in a manner favourable to their interests; but, in place of Amendments favourable to the tenants being accepted, the contrary had been the result. It had come to this—that the Prime Minister was allowed, on a late occasion, without a single word of protest from the Members from the North of Ireland, to insert words in the Bill declaring, in effect, that the tenant's improvements were not his own, but that the landlord had an interest in them.

MR. T. D. SULLIVAN said, he would also join in the appeal to the hon. Member for Galway to withdraw the Motion he had just made; but, in doing so, he wished to say that at one time he had thought that the Bill before the House was to be a great measure of emancipation for the tenantry of Ireland. The great charm of it, in the eyes of the

Irish people, was this—that it pulled down, to some extent, the power of the village tyrant; but, as the measure had gone on, it had set him up again, bit by bit, and piece after piece. They had thought that it would take the foot of the Irish landlord off the neck of the tenant; but the landlord's power and pride had, by clause after clause, been built up again. The landlord was now to have the power of conceding to the tenant the right of setting up a public-house on his farm; and on that broad principle, and on that alone, he objected to the whole Amendment.

MR. O'DONNELL said, he hoped his hon. Friend would not press his Motion to a division. He might very well take the advice of the Vice Chairman of his Party, the hon. Member for Longford; but, at the same time, he (Mr. O'Donnell) regretted that the Premier, who had come forward with an utterly unfounded charge, had not, after the explanation of the hon. Member for Galway, withdrawn that unfounded charge. He regretted, too, that the right hon. Gentleman opposite had not made some attempt to explain why he had chosen to inflict what was so much like an insult on the Irish peasantry—why he had said that in the matter of sobriety the landlords were the more sober and temperate class. He was not aware that there was anything in the history of Irish conviviality which formed a foundation for the supposition of the right hon. Gentleman. If the Irish people were, in some cases, intemperate, he was not aware that, at any period of the history of Irish society, the landlord had been any better than the tenant. The object of the Amendment was to allow the meaner of the Irish landlords to enter into miserable pecuniary bargains with the meaner of the Irish tenants, and he was surprised at the action of the Conservative Party in striving to endow their order with this base privilege. If they imagined that by pitiful bargains of that kind they could keep up the respect due to the territorial class they would find themselves mistaken. If the right hon. Gentleman allowed the matter to go to a division, he would find that the Amendment was opposed not only by the extreme men of the Irish Party —the "Irreconcilables"— but by the most moderate of his own Irish followers.

MR. T. P. O'CONNOR said, he was willing to withdraw his Motion.

MR. BIGGAR said, that, before the Motion was withdrawn, he would again appeal to the Prime Minister to change his line of action with regard to the question now before the Committee and those proposals which were to be made. When the measure was introduced, the only clause in it was the 7th clause; and he understood that the right hon. Gentleman had given an undertaking, or had led the Conservative Party to believe, that he was willing to agree to such alteration of the clause as would make it of small value.

THE CHAIRMAN: It is not competent for the hon. Member to discuss the 7th clause.

MR. BIGGAR said, he was not going to discuss the merits or details of any clause. He only wished to appeal to the right hon. Gentleman the Prime Minister to change his line of policy as to the conduct of the measure through the House of Commons, and, instead of endeavouring to make it acceptable to the Conservative Party, to allow his decisions to be influenced by Members who represented the so-called Irish Liberal constituencies who had requested him, time after time, to agree to Amendments of a reasonable nature.

Motion, by leave, *withdrawn.*

Question again proposed, "That those words be there inserted."

SIR WILFRID LAWSON said, he was not enamoured of the Amendment; but wished to give the reason why he should vote for it. The magistrates were responsible for licensing; but he should support the Amendment, because it gave an additional chance of checking the increase of public-houses. He was sorry he had not been allowed by the Forms of the House to move the omission of words, because such an alteration would have made the intention of the House complete.

MR. HEALY said, he proposed to move that the words "without the consent of his landlord" be omitted.

THE CHAIRMAN: We have passed that part of the Amendment.

MR. HEALY thought this was the first time that the doctrine had been laid down that, on an Amendment being put, an Amendment could not be moved upon it.

The CHAIRMAN: It is one of the most elementary Rules of the Committee that, when any part of an Amendment or clause has been amended in a subsequent part, you cannot amend the preceding part.

Mr. ILLINGWORTH said, he was unwilling to interpose, and had his hon. Friend been able to move the omission of certain words he could have had no difficulty in supporting the Amendment of the noble Lord opposite; but, as they were discussing questions of temperance, he objected that it should be left to the option of the landlord to decide on the extension of the sale of intoxicating liquors. That would really go directly in the teeth of local option. His hon. Friend the Member for Carlisle wished all questions as to whether intoxicating liquors should be sold or not to be left to the people; but this proposition actually left it to the small minority—a small class of landlords in Ireland—to say whether they would have public-houses or not. If the public-house was not adjacent to the domain, and was not a nuisance to the landlord, he feared small consideration would be shown to the tenantry, and that the consent of the landlord would be cheerfully given. As he objected to dealing with so high a moral question on such an insufficient issue as the will of the landlord, he should be obliged to vote against the Amendment.

Mr. O'DONNELL believed the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) would admit he had been somewhat mistaken in supposing the Amendment would tend to promote temperance. In fact, it would give an inducement to landlords to make pecuniary bargains, and some agent would benefit by it, for he would grant the licence to which the landlord had given his consent for a pecuniary consideration. There were other landlords who would hope to make £50 or £100 out of similar transactions. Was it to be supposed that the landlords, who were the occasion of this Bill, and who laid a tax on every article and every privilege however small—those men who taxed the seaweed and the turf, and the very grass on the road side—would not take advantage of this mean little power being intrusted to their hands? They would go to a bench of magistrates of the same kidney as themselves—for the most respectable class of landlords, the great absentee proprietors, were not the men who sat on the bench in Ireland. The bench was crammed with the agents, the understrappers, the mean parasites of landlordism. Those were the men who would licence the house over which they had already concluded their paltry bargains, and yet the hon. Baronet had said that would advance the cause of temperance. If he continued to advocate the cause of temperance in that manner, there would be a signal falling off in the numbers who voted for local option. He had observed, with great regret, after the manful and energetic rebuke administered under a misapprehension by the Premier to the hon. Member for Galway (Mr. T. P. O'Connor), that the right hon. Gentleman was able to check the desire he doubtless felt to rise and rebuke those behind him who contributed to render his remarks inaudible to the House. The energies of the Prime Minister found singular opportunities for exhibiting themselves sometimes.

Sir WILFRID LAWSON remarked, that the few words necessary to make the law good could not be moved unless the Amendment were now carried.

Mr. GIVAN said, he had had a good deal of experience in licensing in the North of Ireland, and he wholly repudiated the insinuation of corruption amongst the magistrates of the North. The magistrates and landlords of the North were most anxious to reduce the number of licences, and he had never known an instance where the licence was granted without the landlord's consent, so that the words to which the Prime Minister had agreed would not affect the granting of licences, and he thought it a pity there had been so much discussion. The words would do no harm to the tenant, and might prevent the increase of these centres of drunkenness and ruin in Ireland.

Question put.

The Committee *divided*:—Ayes 219; Noes 38: Majority 181.—(Div. List, No. 266.)

On the Motion of the Attorney General for Ireland (Mr. Law), Amendment made, in page 5, line 9, by leaving out from the word "agistment," to "Act," in line 11.

Committee report Progress; to sit again upon *Monday* next,

CORONERS (IRELAND) (*re-committed*) BILL.—[BILL 187.]

(*Mr. Healy, Mr. Gray, Mr. Barry.*)

COMMITTEE.

Order for Commitee read.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Repeal).

DR. LYONS said, he rose to move that the Chairman report Progress. It was too late to proceed with this very important Bill, which largely affected the interest of the Medical Profession in Ireland, and amongst whom, in reference to the Bill, much anxiety was felt. At that hour—2 o'clock—it was not advisable that it should be proceeded with, and he had not himself had an opportunity of framing Amendments and putting them on the Paper.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Dr. Lyons.*)

MR. O'SHAUGHNESSY trusted the Bill would not now be impeded. It did, it was true, excite much anxiety among the Medical Profession; but so long as he had been in Parliament the subject had been regarded by Coroners themselves with a deeper anxiety. The Bill had been carefully considered upstairs, and, when read a second time, so strong a feeling in its favour was displayed on both sides of the House, that though there was some slight objection on the part of the Government, so strong was the feeling of the House in view of the importance of the Bill and the antiquity of the subject, that the Government very fairly gave way, and he trusted now the Government would use their influence to induce the hon. Member to give way too. The Medical Profession had abundant opportunity of making out their case before the Select Committee; and if they really had Amendments pertinent to the subject, which they wished to have brought forward, an opportunity for their discussion would offer on the Report, and to such discussion the promoters of the Bill would offer no unreasonable opposition.

MAJOR NOLAN hoped the hon. Member would withdraw his objection. At this time of the Session there was very little chance for private Members to bring forward their Bills.

MR. LEA said, the Bill had been regarded with favour by almost all parties in Ireland, it had been approved by a Select Committee, and he trusted the hon. Gentleman would not press his opposition.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, so far as the Government were concerned they would not impede the Bill, although it would, perhaps, increase the difficulty of dealing with the whole subject hereafter. Perhaps the hon. Member in charge of the Bill might consent to have the Bill postponed to admit of discussion?

MR. HEALY said, he was glad the Attorney General, on behalf of the Government, did not support the Motion to report Progress. This was the only chance a private Member had of getting his Bill through. He admitted the inconvenience of the hour; but there was really no other time, for the same thing would happen if he put the Bill down for to-morrow. If there were any *bonâ fide* objections, let them be used, but not on a Motion to report Progress.

Amendment *negatived.*

Clause *agreed to.*

Remaining Clauses *agreed to.*

MR. DALY, in moving the following new Clause:—

(Coroner for borough of Cork.)

"And whereas in the borough of Cork there have been and now are two coroners of and for said borough, and it is expedient that, on the death, resignation, or removal of either of said coroners, there shall thenceforward be but one coroner of and for said borough of Cork: Be it enacted, That upon the death, resignation, or removal of either of said coroners as aforesaid, the survivor shall thereupon discharge the duties of sole coroner of and for said borough of Cork; and thereupon and thereafter shall be paid to the said coroner and his successors in office, in addition to the salary which under this Act would be payable from time to time to him, the amount of salary which under this Act would have been payable to the coroner so dying, or resigning, or removed as aforesaid: Provided always, That nothing herein contained shall in any way affect the rights of the personal representatives of said coroner so dying to receive all arrears of salary and emoluments (if any) to which said coroner so dying was entitled to at the time of his death,"

said, this would be assimilating Cork to the position of Dublin, Belfast, Limerick, Waterford, and other places, and would leave the borough the surviving Coroner of the two now doing duty. He believed there was no objection to the clause.

Clause *brought up,* and read a first time.

Question, "That the Clause be read a second time," put, and *agreed to.*

Clause *added* to the Bill.

New Clause (Superannuation of Coroners).

Mr. O'SHAUGHNESSY said, the question of the superannuation of Coroners was dealt with in Committee, and the clause was struck out; but he now submitted it in a very much simpler form. The proposal he then submitted gave the right of superannuation to every person who in future might hold the office of Coroner, as well as the holders at the present time; but he now proposed only to give it to those now in office—practically only to a few old men who now held office—and not to those appointed in future. Some claim in equity these had, for the question of superannuation had been mooted ever since the position of Coroners in Ireland was agitated, and superannuation was one of the provisions always discussed. Another proposal in which he differed from that he formerly made was that, instead of proposing that the Coroner should be entitled to two-thirds of his salary on superannuation, he should receive one-third, thus cutting it down to a minimum.

The CHAIRMAN: Does the hon. and learned Gentleman propose that this superannuation shall be paid out of the rates?

Mr. O'SHAUGHNESSY: It is to be paid out of—that is, chargeable to the fund raised by fines and penalties in Ireland. I understand that these fines and penalties do not go to the Crown now.

Clause *brought up,* and read a first time.

Motion made, and Question proposed, "That the Clause be read a second time."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he could not assent to this. There were two objections. In the first place, Coroners were not public servants in the same sense as those receiving superannuation —they held the appointment of Coroner, and discharged its duties along with, and in addition to, their other professions or callings. Their whole time was not given to the public service, but only the lesser portion. He knew some who held the office and were solicitors in considerable practice. Another difficulty was that the fund alluded to could not bear the charge already upon it. It was already overweighted and more than absorbed by the charges for the salaries of petty sessions clerks, a burden which, but for aid derived from past accumulations of the fund, it could not bear.

Mr. O'SHAUGHNESSY said, he would not press the clause now.

New Clause, by leave, *withdrawn.*

Schedule *agreed to.*

Bill *reported;* as amended, to be considered *To-morrow.*

Motion made, and Question proposed, "That this House do now adjourn."—(*Lord Richard Grosvenor.*)

Mr. R. N. FOWLER said, he would take that opportunity to ask the noble Lord for information as to the Bankruptcy Bill. He noticed it was deferred to this day; but was it any use putting it down night after night? In view of the wide interest felt in the subject, he asked if the Government proposed to proceed with it after the Land Bill was disposed of? Perhaps the noble Lord would consult with his Colleagues.

Lord RICHARD GROSVENOR observed, that the Bill was postponed until Monday, and what course would be taken in regard to it would be decided later on.

Mr. R. N. FOWLER said, he was anxious that the Bill should proceed.

Motion *agreed to.*

MOTIONS.

CANAL BOATS ACT (1877) AMENDMENT BILL.

On Motion of Mr. Broadhurst, Bill to amend "The Canal Boats Act, 1877," *ordered* to be brought in by Mr. Broadhurst, Mr. John Corbett, Mr. Morley, and Mr. Pell.

Bill *presented,* and read the first time. [Bill 197.]

RELIEF OF DISTRESS (IRELAND) ACT AMENDMENT BILL.

On Motion of Major NOLAN, Bill to amend the Relief of Distress (Ireland) Act, *ordered* to be brought in by Major NOLAN, Mr. O'SHEA, Mr. JAMES CORRY, Mr. JUSTIN M'CARTHY, Mr. LITTON, Colonel COLTHURST, Mr. O'SULLIVAN, and Mr. GIVAN.

Bill *presented*, and read the first time. [Bill 198.]

House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, 24*th June*, 1881.

MINUTES.] — PUBLIC BILLS—*Committee—Report*—Local Government Provisional Orders (Askern, &c.) * (115); Local Government Provisional Orders (Horfield, &c.) * (116); Newspapers * (101).

Report — Bankruptcy and Cessio (Scotland) * (128).

Third Reading — Married Women's Property (Scotland) * (129); Petty Sessions Clerks (Ireland) * (113); Consolidated Fund (No. 3) *; Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.) * (111), and *passed*.

The House met at Five o'clock ;—And having gone through the Business on the Paper, without debate—

House adjourned at half past Five o'clock to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, 24*th June*, 1881.

MINUTES.] — PUBLIC BILLS — *Report*—Commons Regulation (Shenfield) Provisional Order * [183]; Tramways Orders Confirmation (No. 3) * [169].

Third Reading—Burial Grounds (Scotland) Act (1855) Amendment * [184], and *passed*.

The House met at Two of the clock.

QUESTIONS.

ARMY (AUXILIARY FORCES)—MILITIA SURGEONS.

DR. FARQUHARSON asked the Secretary of State for War, Whether it is his intention to grant compensation for loss of expectation of pension to those Militia Surgeons who joined previous to Lord Panmure's Circular of 1854; and, whether it is his intention to compensate Militia Surgeons generally for the serious loss of income inflicted on them by recent changes, and in particular by the withdrawal of fees for the examination of recruits?

MR. CHILDERS: No, Sir; I can only say that this question was fully considered and finally dealt with by my Predecessor (Viscount Cranbrook) some years ago, and I cannot undertake to re-open it.

FRANCE AND CANADA—COMMERCIAL TREATY.

MR. ECROYD gave Notice that on Thursday he would ask the Under Secretary of State for the Colonies, Whether the statement is correct which recently appeared in the newspapers, that the French Consul at Quebec had received and communicated to the Governor General in Council official information that the French Minister for Foreign Affairs decided to conclude a Commercial Treaty direct with Canada?

SIR CHARLES W. DILKE: Sir, if the House will permit me, I will deal with this matter at once by replying to the Notice as if it were a Question. I have been informed by the Canadian Prime Minister and by the Representative of Canada in this country that they have no knowledge of any such communication having been made, and, certainly, that Canada has not taken any steps to cause such a communication to be made.

SHERIFFS' SALES (IRELAND).

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether sheriffs' sales in Ireland held by auction have not been hitherto open to the public in the freest manner; whether it is not essential to the legal character of a sale by public auction that it should be so open; if the Government have considered whether the action of the Executive in Ireland in issuing proclamations prohibiting public assemblages at sales by auction, under execution by landlords against tenants, is not likely to have a ruinous effect on the tenants by deterring probable purchasers from attending thereat, and thus letting the tenants' property fall into the hands of their landlords at nominal prices; whether the Government will take into consideration the advisability of ceasing to issue such proclamations as those referred to; whether the attention of the Government has been called to the several recent cases in which the police attending sheriffs' sales have, even where no such proclamation was issued, excluded large sections of the public therefrom, as reported in the public press, on the ground that the people excluded were not "probable bidders;" whether such action on the part of the constabulary is legal; whether, if so, it is part of the functions of the police to discriminate between probable bidders and non-bidders; whether they are possessed of any special information which would enable them to do so; whether he will state to the House the principles on which they exercise such discrimination; whether, if not legal, such proceedings on the part of the police are not actionable, both as against them and as against the sheriff concurring therein; and, whether the Government will issue instructions to the police that such conduct must not be repeated?

Mr. W. E. FORSTER: Sir, the hon. Member asks me six Questions. In answer to the first two, I have to say that sheriffs' sales have been open to the public hitherto in the freest manner; and it is essential that they should be so. With regard to the third Question, I think the hon. Member has misinterpreted the facts. No proclamation has been issued by the Government prohibiting public assemblages at sales by auction. The proclamation issued was this — It alluded to assemblages and meetings held for the purpose of obstructing by intimidation and threats of violence the execution of certain writs. The Government were determined to prevent any such obstruction, and they gave notice prohibiting any such assemblage for the purpose of so obstructing any sheriffs' sale. The object of the proclamation was to prevent obstructing the sheriff, and we considered that we were carrying out the object of having the sheriffs' sales held in the freest manner by preventing persons obstructing them. [*Laughter.*] That was the object, and I have not the slightest doubt it has had that effect. If we had not done so, the sales would have been obstructed; and I believe that what we did has been the means, not of deterring probable purchasers from attending them, but of enabling people to attend who might otherwise be afraid to do so. With regard to the fourth Question, as to whether the Government would consider the advisability of ceasing to issue such proclamations, we shall certainly consider it our duty to issue them in future, whenever there is the same reason for it. As to the fifth Question, it has not been the practice of the police to exclude large sections of the public from the sheriffs' sales; but, in a few isolated cases, the people have been excluded by order of the sheriff. This was where a proclamation was not in force, and it was done on the ground that the persons had no business at the sale, and might create a disturbance. In these cases the police, from their local knowledge, had no difficulty in discriminating between probable bidders and mere idlers. Persons who represented themselves as intending bidders, or as friends of the persons whose goods were under seizure, were freely admitted. As to the sixth Question, I am informed that whatever has been done on the part of the Constabulary is legal.

Mr. BIGGAR asked, whether it would not be fairer to the House for the right hon. Gentleman to read the proclamation in full instead of giving garbled extracts from it?

Mr. HEALY asked the right hon. Gentleman, whether he would state to the House the principles upon which the police exercised their discrimination in deciding who were probable bidders and who were not?

Mr. W. E. FORSTER: Sir, the principle is to use the best possible discretion in assisting the sheriff to obtain as fair an assemblage and as unobstructive a sale as is in their power. If a disturbance appeared probable it would be their duty to take measures to prevent it.

Mr. HEALY wished to know, whether, if the police excluded persons who were willing to become bidders, the right hon. Gentleman would reprimand them?

Mr. W. E. FORSTER considered the police deserved no reprimand for the course they pursued.

Mr. REDMOND asked the right hon. Gentleman to read the proclamation in full.

MR. W. E. FORSTER, in reply, said, he would do so, and the House would then see that the extracts he had already quoted were not "garbled." [The right hon. Gentleman accordingly read the document in full.]

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MR. HANNIGAN.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he is aware that Mr. Denis Hannigan, of Dromcolloher, county Limerick, at present confined in Kilmainham Prison under the Protection of Person and Property (Ireland) Bill, is losing his sight owing to his long confinement; and, if so, whether he will be further detained in prison?

MR. W. E. FORSTER, in reply, said, from the Report of the General Prisons Board, it appeared that during the past two months Denis Hannigan was examined by an eminent oculist, who stated that the man's sight since his imprisonment had, if anything, improved. He was also informed by the Prisons Board that Mr. Hannigan had expressed a desire to contradict the rumour which had appeared relative to his failing sight. The examination of his eyes was made by Dr. Fitzgerald on the 9th of May; but if Mr. Hannigan would like a second examination to be made it should take place.

ARMY—POLITICAL MEETINGS—COLONEL THE HON. T. G. CHOLMONDELEY.

MR. LABOUCHERE asked the Secretary of State for War, Whether his attention has been called to a Letter in the "Daily News" of the 13th instant, signed "Philip H. B. Salusbury, Captain late First Royal Cheshire Light Infantry," in which that gentleman states that his father, being Chairman of the Committees of the Liberal Candidates at the late General Election, both in the borough and county (Chester and West Cheshire), and it being well known that he, his son, was an ardent Liberal, he received an order from his commanding officer, Colonel the Honourable T. G. Cholmondeley, forbidding him to attend political meetings, although this Colonel was then himself actively engaged on the Committee of the Conservative Candidates, and permitted his Adjutant and other Conservative officers to attend Conservative meetings, and although at the late bye-election for West Cheshire he was prominent in the cause of the Conservative Candidate; and, whether, if upon investigation these statements are proved to be correct, he will take steps to call upon Colonel Cholmondeley to retire from the service, if he be, as is reported, past the age when, according to the Regulations, he has to do so, unless an exceptional favour be accorded to him?

MR. CHILDERS: Sir, the letter to *The Daily News* to which my hon. Friend refers purports to criticize an article in that paper on the "German Soldier," and to quote the writer's own case as a proof that Militia officers do not live in "serene freedom." The writer then narrates the circumstances under which he, being a Liberal, attended a Conservative meeting at Chester in February, 1880; and complains that for his conduct there he was blamed by his superior officer, Colonel Cholmondeley, who himself attended Conservative meetings. I have read another letter, in *The Daily News*, dated the 16th of June, from Colonel Cholmondeley, in which he explains under what circumstances he wrote to Mr. Salusbury, in consequence of evidence at the police court relative to the language used by Mr. Salusbury at the Conservative meeting. It would be, in my opinion, of no public advantage in June, 1881, to inquire what Mr. Salusbury said, or what inquiries Colonel Cholmondeley made in February, 1880; but I may say that the result was that the papers were sent by Colonel Cholmondeley to the officer commanding the Brigade Depôt, who desired Mr. Salusbury to be cautioned as to his future conduct at political meetings. I do not think that this correspondence discloses any reason for removing Colonel Cholmondeley from his command. He will not be exceptionally dealt with.

NAVY (CONSTRUCTION)—FIGHTING SHIPS.

MR. W. H. JAMES asked the Secretary to the Admiralty, Whether it is true, as reported in the Naval and Military Intelligence of the "Times" newspaper of the 21st instant, that drawings are being prepared at the Admiralty for laying down a turret ship which will throw the "Inflexible" into the shade, and approach in bulk and armament the colossal fighting machines now in course of building by the Italian Government; and that the new ship is to have a displacement of 13,000 tons, engines working up to 10,000 horses, and an estimated speed of 18 knots?

Mr. TREVELYAN: Sir, the class of fighting ship which should next be laid down is creating great interest and anxiety in every European country which has occasion to maintain a Fleet; and it is, therefore, only natural that it should excite great interest in our own, for this country can least of all afford to treat so grave a question lightly. The consideration of that question has been the subject of long and repeated conferences and controversies on the part of the Lords of the Admiralty, and of varied and searching study on the part of their scientific advisers. As in duty bound, these gentlemen have made careful drawings of several classes of vessels, of different designs and sizes, having in mind what is doing in the Italian as well as in the French Dockyards. When the time comes I hope to be able to make an explanation, which may communicate to the House something of the great interest which the Board of Admiralty feels in the question—an interest which has led them carefully to pass in review, in print and in drawings, the different theories of naval construction which are now held in various quarters. They have pretty well made up their own mind on the subject, and I shall be very glad when the time comes to state it.

Sir WILFRID LAWSON: Can the hon. Member give an estimate of the cost?

Mr. TREVELYAN: Yes, Sir; a careful estimate of the cost of the different designs has been made; and we know very well, within what is comparatively a small percentage, what the cost will be.

Sir WILFRID LAWSON: What will it be?

Mr. TREVELYAN: I will explain that when the time comes.

Mr. GORST asked, whether the hon. Gentleman would be able to inform the House of the type of ship intended to be built before the 1st Vote of the Naval Estimates was taken?

Mr. TREVELYAN replied in the affirmative.

TRADE AND COMMERCE—THE FRENCH PATENT LAWS.

Sir HENRY HOLLAND (for Mr. E. Stanhope) asked the Under Secretary of State for Foreign Affairs, Whether it is the fact that patented articles cannot be imported into France under the protection of patent in France unless they have been solely and completely manufactured in that country?

Sir CHARLES W. DILKE: Sir, my hon. Friend is right in his statement of the French law regarding patents; and representations on the subject were made in 1877 to Her Majesty's late Government. The attention of the French High Commissioners will be called to the matter in the course of the present Treaty negotiations.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — THE REV. FATHER SHEEHY.

Mr. GIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that on the arrival of the military escort at Naas Prison to remove Father Sheehy to Kilmainham, he was found in the infirmary; and, whether, owing to the state of his health, and in view of the acute feelings of sorrow and regret which his arrest has caused amongst the Catholic people of Ireland, and especially amongst the Catholic clergy, the Irish Executive will prolong his imprisonment?

Mr. W. E. FORSTER, in reply, said, that when the military escort arrived at Naas Prison, Father Sheehy was in the infirmary; but Dr. Kenny, his own medical adviser, said he was fit for removal to Kilmainham Prison, and he was accordingly removed. As to his present health, Captain Barlow reported that he saw him at exercise on the 21st instant, when he informed him he was well. Dr. Kenny visited him on the 22nd, but made no entry in the journal as to his case, from which it was fair to infer there was nothing to mention. Father Sheehy joined the other prisoners under the Protection Act at exercise, and, so far as Captain Barlow could form an opinion, he was in good health.

PARLIAMENT — BUSINESS OF THE HOUSE—PARLIAMENTARY OATHS BILL.

Sir EARDLEY WILMOT asked the First Lord of the Treasury, seeing that the Parliamentary Oaths Bill is down on the Paper for Monday next, Whether it is his intention to proceed with it on that evening?

Mr. CHILDERS: Sir, in the absence of the Prime Minister I will answer the Question. That Order of the Day will be postponed on Monday to that day three weeks.

Sir H. DRUMMOND WOLFF asked, whether it would positively be brought on then?

Mr. CHILDERS said, the hon. Member had better put the Question later on.

Sir H. DRUMMOND WOLFF: I ask it now, because the right hon. Gentleman promised that due Notice should be given.

EVICTIONS (IRELAND) — AUGHRAN, CARRIGALLEN, CO. LEITRIM.

Mr. BIGGAR (for Mr. Parnell) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been called to the eviction of John Blessing, Aughran, Carrigallen, county Leitrim, who was evicted, with five in family, on May 20th, 1879, and who, after being evicted, re-took possession, for which he was summoned to Carrigallen Court three times, and was twice fined, but the third time no fine would be taken, and Mrs. Blessing was sent to gaol for a month; whether Mrs. Blessing, on being released from prison, again re-took possession, which she was only permitted to retain three days, when the sheriff and bailiff came and knocked the house down; and, whether she and her husband, who is in bad health and unable to work, are living in a house that was built for them near the old one, with scarcely any food or fire?

Mr. W. E. FORSTER: Sir, my attention has not been called to this case. It was an eviction which took place about a year before I came into Office. If, however, the hon. Member wishes me to make inquiry into the matter, and will give Notice of the Question, I will get what information I can.

Mr. BIGGAR said, he would repeat the Question on Thursday next.

PIERS AND HARBOURS (IRELAND).

Mr. ARTHUR O'CONNOR asked the Secretary to the Treasury, Whether he would have any objection to lay upon the Table of the House a Return showing the actual amount of money paid by the Board of Public Works in Ireland for each of the several Piers and Harbour works enumerated in the Return, No. 244, of the present Session, up to the date of that Return?

Lord FREDERICK CAVENDISH: Sir, the Question of the hon. Member only appeared on the Notice Paper this morning; as I must communicate with Dublin before answering it, I must ask the hon. Member to be good enough to repeat it on some subsequent day.

ARMY ORGANIZATION—THE REVISED MEMORANDUM—PARAGRAPHS 11, 12, AND 14.

Mr. GREER asked the Secretary of State for War, Whether, under paragraphs 11 and 12, in Revised Memorandum of the proposed changes in Army Organisation, Corporals and Sergeants now serving, and who have not re-engaged, can do so; and, whether the term Corporal includes Corporals of all grades?

Mr. CHILDERS: Yes, Sir; speaking generally, present non-commissioned officers will have the privileges proposed to be given to future ones. The term corporal does not include lance or acting corporal. The privilege is given to a corporal when confirmed in that rank.

Mr. GREER asked the Secretary of State for War, Whether, under Paragraph 14 in the Revised Memorandum of the Proposed Changes in Army Organisation, a soldier who enlisted as a boy under the Army Enlistment Acts of 1867 and 1870, and having been allowed to continue in the Service under section 82, "Army Discipline Act, 1879," and having completed twenty-one years' service from seventeen years of age, would be entitled to receive the full pension awarded after the same service to soldiers who enlisted when over seventeen years of age?

Mr. CHILDERS: No, Sir; a deduction of ½*d.* a-day will be made for each year of service given by such a soldier before attaining the age of 18.

ARMY ORGANIZATION—ADJUTANTS OF THE AUXILIARY FORCES.

Colonel STANLEY (for Lord Henry Thynne) asked the Secretary of State for War, Whether, as Adjutants of the Auxiliary Force who entered that Service previous to the five year rule serve with the rank of Captains in the Army and are Honorary Majors, it is the intention of the Government to allow these gentlemen, on retirement after twenty years' service, to receive the pension proposed for all Captains in the Army of the same length of service, and also to Quartermasters in the Army of twenty years' service, viz.: £200 yearly?

Mr. CHILDERS: Sir, in reply to the right hon. and gallant Gentleman, I have to say that the rate of allowances to these adjutants, if compulsorily retired, is now under consideration; but I cannot admit that, whatever their rank may be, they necessarily must have the same rate of retirement as regimental captains.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PRESCRIBING THE CITY OF WATERFORD.

Mr. R. POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can state the reasons why the City of Waterford has been declared a proclaimed district?

Mr. W. E. FORSTER: Sir, the City of Waterford has not been proclaimed. It has been prescribed, with the county of Waterford, under the Act for the Protection of Person and Property. It was thought necessary to do so.

Mr. R. POWER asked what the difference was between proclaiming a district and prescribing it?

Mr. W. E. FORSTER: Sir, if the hon. Member will look at the Acts which have been passed, he will find that the word "proclaim" is used in the Arms Act, and the word "proscribe" in the Act for the Protection of Persons and Property.

Mr. R. POWER asked whether any agrarian outrages had been committed in the City of Waterford?

Mr. W. E. FORSTER: I shall be glad, Sir, if the hon. Member will give Notice of the Question, for I would rather give him an accurate answer. I am quite sure, however, that if we had a right to put the Act into operation at all there was good reason for putting it in operation in Waterford.

Mr. R. POWER said, he would give Notice of the Question.

Colonel Stanley

In reply to Mr. Leamy,

Mr. W. E. FORSTER said, he could not state the terms of the proclamation.

ORDER OF THE DAY.

SUPPLY—ARMY ESTIMATES.

COMMITTEE.

Order for Committee read.

ARMY ORGANIZATION—RETIREMENT OF OFFICERS.

Mr. CHILDERS: In accordance with the understanding arrived at a few days ago, I rise to move, Sir, that you do now leave the Chair. The Notice on the Paper states that I am to propose Votes 5, 8, 18, and 19, in the Army Estimates in Committee of Supply. I put those Votes on the Paper more as a description of the subjects on which the House would desire to discuss the Army question to-day than with any distinct intention of putting them in Committee of Supply, for even if we should reach the point of going into Supply before 7 o'clock, I should not think of putting them in the event of any objection being raised, although, of course, if there were no objection, I should be glad to take one or two Votes. My object in rising now to move that Mr. Speaker do leave the Chair is to afford hon. Members some additional information with respect to the plans of Army Organization which I unfolded to the House nearly four months ago, as to which I laid on the Table a Memorandum on the following day, and another within the last few days. I may say that since the original Memorandum was on the Table, referring as it does to an extremely difficult and intricate subject, a great many suggestions have been made to us, many of them by way of Questions asked by hon. Members in the House, and others in accordance with my particular request, in the shape of notes addressed to me; and I desire to thank hon. Members for the great assistance they have given us in this manner as regards the elaboration of these details. When hon. Members peruse the Revised Memorandum they will see that we have taken advantage of a good deal of the information contained in those suggestions, whether addressed to me in this House or outside, and that, with the assistance of the very competent officers of the War

Office, from the Commander-in-Chief down to the junior clerks, we have been able to reach most of the difficulties that stood in our way. I find that a mass of suggested reforms from one end of the Army to the other has been before my Predecessors in Office as well as myself, and no Secretary of State could have deferred dealing with these accumulated questions beyond the present Session. As I explained before, we stand in the position of having unfolded to the House certain great principles, and certain great changes based upon those principles, with regard to the whole question of Army Organization. What I now propose to do, and I shall do it as shortly as I can, is to explain to the House in what respects the Revised Memorandum, and action we propose to take in accordance with it varies, as it does slightly, from the details of the original Memorandum. Now, Sir, I will take first the most important question with which I stated in March last we proposed to deal. I mean the future length of the men's service; and I will explain the changes we contemplate in the plan as originally stated. In the first instance, we propose that the additional year of service which may be required of a soldier should not be, as it is under the present law, obligatory on him either in the event of war or in the event of the regiment being abroad, but that in the contract with the man he should agree to serve for his additional year if the regiment is abroad, and, if the country should be in a state of war, a further year should be obligatory on him by statute. Thus, if a man be serving abroad, and a state of war ensues, he would be liable to serve nine years with the Colours—that is to say, seven normally, one as being abroad, and one on account of war. We also propose that there should be a longer term of Colour service in the case of certain men in the Artillery. Under the original Memorandum there was to be an uniform term of seven or eight years' service; but we now propose, not as a matter of contract, but of voluntary arrangement, that the term should be in the case of a certain portion of the Artillery, especially the Coast Brigade, for an additional five years after the first five years, so that these men may serve with the Colours for 10 years; and that, if a man is asked to serve for two years more he should be entitled for four years to go into the second-class Army Reserve, with £6 a-year Reserve pay. With respect to the Household Cavalry, we propose to retain the present system. I may say we have carefully considered, and have had the advantage of the opinion of a large number of military officers on the question, which has excited much interest in certain quarters, whether a private, after 12 years, should be allowed to re-engage; but after careful consideration and the taking of the advice of many experienced officers, I have arrived at the conclusion that if a private soldier has not, after 12 years' service, become a corporal, it is not worth the while of the State to re-engage him as a private. On the other hand, if he has become a non-commissioned officer in that period we give him the privilege of being re-engaged. In the case of a corporal, the privilege would be subject to the sanction of the commanding officer; but any sergeant will be so entitled, whether his commanding officer wishes it or not, unless his re-engagement is vetoed at the War Office. That is to say, we give to the sergeant what has been so much desired, and, in a less degree, to the corporal also—an assured service of 21 years, with a right to a pension. We have come to this conclusion, having, among other things, regard to the fact that in consequence of his right to pension at the end of his service, a re-engaged soldier costs the State £300 more than one not entitled to pension, and we do not think that a man who has never been thought worthy to be a corporal is worth this difference. The next division of the subject I propose to take is the pecuniary prospect of the soldier. I explained to the House, in originally moving the Estimates, that what we thought the best method of improving the character of the men and making the Army more popular was not so much to increase the pay or emoluments of the private soldier, although, in more than one respect, that is to be done, but to improve the position of the offices they may aspire to—that is to say, to put the non-commissioned officers on a much better footing, whether corporal or sergeant; to raise the character of the status of the leading non-commissioned officer of a regiment, so that he should be elevated above the other non-commissioned officers and become a warrant officer; to improve his pay, and also to ameliorate the condition of those who have from the non-commissioned or warrant ranks received a commission. We did a good deal in that direction in the original Memorandum; but, if hon. Members will refer to it, they will see we have done still more in the Revised Memorandum. The hon. and gallant Gentleman opposite (Colonel Alexander), who takes great interest in the status of the quartermasters, will see that we have given them very considerable additional boons by this second Memorandum. We have increased their maximum pay by 1*s.* 6*d.* per day; we have reduced the length of time necessary for them to attain to higher rates; and in other respects, including rank on retirement, we have benefited him. In the same way, as to men promoted to lieutenancies from the ranks, we have greatly improved their position and also their prospects when they retire. In answer to a question some time ago, I said that the number of men who could get commissions would be greater than before. Accordingly, we have doubled the number of men who may in a year receive commissions from the ranks; and, if the additional boons granted to men so promoted result in a still better class of men obtaining commissions in this way, I shall be quite prepared still further to increase the annual number. I pass now to the prospects of the officers, and it will be seen that we have done much by the Revised Memorandum, partly by way of explanation, and partly by way of actual improvement. For instance, at the bottom of the scale, the time in which a lieutenant may reach from the lowest the next rate of pay has for the present been reduced from three to two years. Proceeding to the next rank, we have made the prospects of Purchase captains perfectly plain; and I think those who asked me questions on the subject in the House will see that every captain's rights under the Purchase system have been most carefully and completely dealt with. We have added, in many cases, to the pension on compulsory retirement £50 a-year. With respect to captains of Artillery, as to whom the question was very difficult to deal with, we have temporarily raised the age at which they must be compulsorily retired, so that they will be retired at 42 instead of at 40. With regard to compulsory retirement generally, let me remind the House that the mitigation of its severity was one of the main objects of our arrangements. I showed before to the House that if the state of things which I found in force was permanently continued, we should some day have as many as 4,500 captains retired from that rank at the age of 40, at a cost of something like £900,000 a-year, their services at that early age being entirely lost to the country. Now, there must be a certain amount of compulsory retirement under any conceivable system of efficient Army or Navy; but, instead of this retirement mainly taking effect among captains at the age of 40, we have endeavoured to retain the services of as many officers as possible up to the age of 50, 55, or even more, in the higher ranks. Instead of a large number retiring from the exigencies of the Services at the early age of 40, a smaller number will now retire at later ages upon terms far more satisfactory to them and to the Public Service. I have shown that another result of this will be that, instead of sending out of the Army at an early age a large number of officers whose places would have to be at once filled up again by cadets, the number of appointments to the Army will be reduced by the retirement taking place so much later. Therefore, there will be two good results—officers, on the average, will remain in the Army a longer time, making their engagements more valuable to them; and we should not require to enter so large a number of young men. As I have stated to the House before, the number of entrants into the Army from this result and from the new regimental organization would be about 50 a-year less than now, resulting ultimately in a total reduction of 500 in the active list of officers; and this, taking the active and retired lists together, would give a reduction to the extent of something like 2,500 officers. I conceive that the economical result is not the most important, considerable as the saving will be; but that where most good will be gained will be in the minimizing the heartburning, if not discontent, which every officer when he gets his company must feel, when he reflects that under the present system the chances are more than equal that he will be forced out of the Army at the age of 40. But in removing this grievance we have to systematize retirement at higher ages; and we have mainly to deal with two classes—the senior colonels and the general officers. I will take the general officers first. A great deal has been said in mitigation of the necessity of reducing the number of general officers, to the extent to which we propose to reduce it, and as to the terms upon which retirement from the list is accomplished. About that, what I have to say is this—We have fixed the number of general officers at about double the average number who will be employed in ordinary times, leaving, therefore, ample margin for times of great wars. I do not speak of small wars, which add but slightly to the general's employment. We have brought that number down to what is considered by those who advise me on this subject an efficient number with respect to the requirements of the Service. Then, in deciding what should be the rule and method of retirement, we have applied such a system as acting upon that number we consider will produce a good average flow of promotion. If you make the rules of retirement less easy, you check promotion; and if you make the number of officers larger, you, by increasing the period of non-employment, check efficiency; but by settling, in the first instance, what ought to be the number in the upper ranks, and then deciding what system of retirement will give a good flow of promotion, we solve the double problem. With respect to retirement from these ranks, every general officer will have a right, if he chooses, to remain under the present system for unattached pay or colonelcy of a regiment, or take the new one for half pay and retired pay; but it has been strongly urged that as a great many officers in the rank of colonel have elected to remain in the Army because of the prospect of reaching the list of generals, with these pecuniary advantages we ought to be extremely careful not to compel them to retire on a scale of pensions less than the value of these prospects. This we have scrupulously observed, and every colonel who was lieutenant-colonel in 1877, and who, under the operation of the new system, has to retire at an earlier age than he is compelled to retire at now—will be entitled to receive the pension actuarially calculated as precisely equivalent to the present prospect of unattached pay, and of succeeding in due time to £1,000 a-year. That calculation he will be entitled to have actuarially made when his pension is settled. On one point I can give the House an interesting figure. I have had a careful calculation made of the present value of his unattached pay and prospective colonelcy of a regiment when an officer becomes a major general, and I find that it is £7,761, whereas under the new system of half pay and retired pay the present value is £7,807. We have, therefore, fully kept up the prospects of these officers. I come now to the fourth branch of the subject—that is, regimental organization. I have, in answer to Questions during the last three months, explained, I think, almost all our further changes. The chief ones are that there will be in the Cavalry as in the Infantry a second lieutenant colonel, and three instead of four majors. We also do not intend to require the adjutant to be a captain, a lieutenant being, in future, equally eligible. I pass now to the new system of territorial regiments. That system is the necessary sequence, in my opinion, of the linked battalions introduced by Lord Cardwell, and was advised by the right hon. and gallant Gentleman opposite (Colonel Stanley) and his powerful Committee. On this subject I think the few changes that have been made in details since March, when I unfolded the original Scheme, will have been found to be satisfactory. We have received from different quarters suggestions as to better combinations of battalions, and in many cases we have been able to carry them out. Even within the last few days I have been able to make arrangements with respect to the battalions connected with Nottinghamshire, Yorkshire, and Herefordshire, which I trust will be satisfactory. These are the five principal heads of the change in Army Organization, which I explained in March last. Let me sum up to the House in two or three words what these changes will, I hope, produce. In the first place, I hope that by the combination of two regiments, and by the new system of reliefs, and of facilitating the transfer of men and officers from one battalion to another, as is now the case in the Rifle Brigade or the 60th Rifles, or the double-battalion regiments, we shall arrive at a more satisfactory understanding with respect to the equal employment of men and officers at home and abroad, with greater facilities for exchanges between home and foreign service. The second advantage is the great reduction of compulsory retirement, which instead of being almost limited to captains at 40, and generals at 70, will be spread over all ranks, but altogether to a much less extent than now. The third, and not the least, is, in my belief, the great improvement in the prospects of the men, due to the higher pay of the non-commissioned ranks, the establishment of regimental warrant officers, and the better prospects of commissioned officers raised from the ranks. I believe much will thus be done to improve the tone of the Army, which will enable us to recruit from sources which we hardly reach now; and mainly, by that means, to reduce the waste of the Army, to reduce desertion, which has already been greatly reduced in comparison with the numbers recruited during the last few years—and to introduce a more satisfactory state of feeling in respect to the general popularity of the Army. I shall myself spare no effort in this direction, and I believe that this is the most important branch of Army Reform to which public attention can be called. We may thus be able to avoid what foreigners tell us is the only method of raising an efficient Army — conscription. Conscription is unpopular in this country, and I believe would altogether break down; but I hope, by improving the prospects of the soldier, to arrive at the same result as is obtained in other countries by conscription. One word, in conclusion, as to the financial result of these changes. I have given the figures before; but I may, perhaps, be allowed to repeat them. We are at this moment burdened, and shall be for some time hence, with the very heavy dead weight which is due to the terms of service previous to 1872, and which we have to bear as well as the charges due to short service itself. It will not be till 21 years have elapsed since that time—that is to say, before 1893—that the dead weight of the Army will begin to diminish; and meanwhile, as I have stated previously, it must considerably increase. I do not mean to say that the aggregate Army Estimates will increase for 10 years, but only that the automatic increase of the pension list will continue, whatever economies may be made elsewhere. But the effect of the changes we are now making, as compared with what would result from the present rules for pay, pension, and retirement, and regimental organization, will produce, when matters reach their normal condition, a saving in the expense of the *personnel* of the Army of £780,000 a-year. That saving will be due to the reduced number of officers, the reduced amount of compulsory retirement, and to the short service of privates without pension. The saving in connection with officers will be £250,000 to this country, and £11,000 to India. In connection with the men it will be £445,000 to us and £160,000 to India. On the other hand, the improved pay of the non-commissioned officers, of warrant officers, and of officers promoted from the ranks, will cost us about £60,000, and India about £30,000. The increased charge in connection with the Reserve will be about £20,000 a-year. Including the charge for the Cavalry, and the great saving in reliefs, the aggregate figures show an economy of £680,000 to us and £220,000 to India—amounting, on the whole, to £900,000. I am sorry to say this is a saving which will not be effected until a far distant day; but the slowness of the gain in this respect ought not to dishearten us in carrying out a plan which will tend, as I think my right hon. and gallant Predecessor will admit, greatly to improve the efficiency of the Army both as to officers and men. With these remarks, I beg to move that you, Sir, do now leave the Chair.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr Childers.*)

Sir WALTER B. BARTTELOT said, he had listened to the statement of the right hon. Gentleman (Mr. Childers) with great interest, and he begged to thank him, not only for the great courtesy with which he uniformly treated all who had occasion to approach him, but also for the care with which he had carried out many of the suggestions which had been made to him. The statement of the right hon. Gentleman was one of those pleasant statements which, if it could be believed it was a correct estimate of what would happen, would show that in the future the Army would be everything that could be desired; but in the present circumstances under which they were now labouring, much, he thought, would remain to be done before the Army was in the same state of efficiency in which it once was. He held that on the question of the length of service depended the whole future of the English Army; and he said that in face of the fact that many right hon. and hon. Gentlemen opposite, and several organs in the Press, were loud and eloquent in their advocacy of the short-service system, especially one leading journal, and it was not difficult to read between the lines who was author of the article. He held that the matter was of so much importance that the House ought to lose no time in considering it, and that they ought to consider it fairly and dispassionately. The right hon. Gentleman admitted by the alterations he had proposed that the short-service system was not satisfactory, and that it ought to be modified; but what he had done in that direction had been done with a hesitating hand, and without, apparently, a full appreciation of the fact that it must necessarily tend to the disadvantage of the Service of the country to shorten the term of service of men in, for instance, the Artillery and Engineers, who had to deal with weapons of precision and with scientific appliances, and he must omit the Cavalry of the Line. The longer they could engage a man for, the better; for it was impossible to make a soldier in a day, and it was absurd to suppose that, having made him a soldier, he could be made available for service if, after being only a short time in the Army, he was drafted into the Reserve, and kept there for an indefinite period without being duly exercised in the use of the arms they would or might have to use. Then, again, with regard to the varied periods of enlistment and service in the Reserve, he thought they were objectionable. The real question was that there were to be two enlistments—one was to be for three years with the Colours and nine years in the Reserve, and the other was to be for seven years with the Colours and five years in the Reserve. [MR. CHILDERS dissented.] The right hon. Gentleman shook his head; but that was so nearly correct that the War Office were to have the opportunity, if they wished, of passing as many men as they wanted into the Reserve.

MR. CHILDERS said, there would be only one enlistment. It would be for seven years at home, or eight if the man was abroad. He took no powers to compel anybody to go into the Reserve, though men would be allowed to go into the Reserve, under certain circumstances, after three or four years.

SIR WALTER B. BARTTELOT replied, that the Scheme, nevertheless, was brought forward with the full intention that as many as possible should go into the Reserve, and even were they to go to India and the Colonies they were to be engaged for seven years.

MR. CHILDERS: For eight.

SIR WALTER B. BARTTELOT: Was that absolutely so?

MR. CHILDERS: I stated originally that recruiting for service in India would be absolutely for eight years, and that the additional year would probably be insisted on for service abroad.

SIR WALTER B. BARTTELOT said, the recruit joining would not know for how long he would have to serve, and that was a mischievous thing in itself. If there was anything which men in this country disliked, it was the uncertainty of the time they had to serve; and he felt sure that, if persisted in, these proposals would prevent recruiting to a large degree.

MR. CHILDERS stated that, under the present law, a man serving abroad might be kept for an additional year, and this liability also existed as to men serving at home in war time. Under the new law the additional year abroad would be a matter of contract, and the liability for the additional year in war time would be in the statute.

SIR WALTER B. BARTTELOT said, that that was to a certain extent an improvement; but it should be clearly stated in the attestation paper, so that a man might know how long he had to serve. Another and, as he thought, very strong objection to the proposal of the right hon. Gentleman, was the constant transference of men from depôt centres and from regiment to regiment. In the old days a soldier's regiment was his home, and the result was the *esprit de corps* which was considered the most glorifying and essential feature in the formation of the

British Army. Now, they were to have three changes in course of the Service. First, a man was to be sent to the depôt centre, next to the home battalion, and then transferred to the other battalion in the Colonies or in India. Under this system that which was regarded as essential in our Army, its *esprit de corps*, and soldierly pride in a regiment, would be done away with. A more mischievous system to the interests of the Army could not be propounded in the House of Commons; and one of the gravest and greatest objections he had to the scheme was that the commanding officers would only have their regiments for four years, and some only for two years. Commanding officers and men would hardly know each other. He thought the question ought to be boldly faced, because it was not only his opinion, but that of many other men who had looked into the question, that, unless some system other than that of short service were adopted, the *personnel* of the Army would deteriorate, and an Army such as that which marched under the command of Sir Frederick Roberts from Cabul to Candahar would become an impossibility. Of the three regiments which Sir Frederick Roberts marched from Cabul to Candahar, the average service in two of the regiments—the 60th and 72nd—was seven years per man; and in the third—the 92nd—it was nine years per man, a longer service than would ever be again seen in the British Army. And what did General Roberts say? He said—and his opinion was endorsed by Sir Garnet Wolseley—that no man ought to go into a campaign of that kind unless he had seen three years' service. The old soldiers of the British Army were going, and would soon be all gone. Then the practice of sending small detachments from various regiments, and mixing them all up, destroyed any real regimental feeling, and weakened the power of the troops. This question of short service was a very serious one. Men enlisted for service abroad ought to join the Army for not less than 10 years, and he believed more recruits would be obtained if this were the system adopted, as nothing could be more pitiful than, after a very short period of service, to send a man into the Reserve, with an almost certainty that he could not secure employment, because those who might otherwise employ him had no sort of certainty as to when he would be recalled to the Army, and they would, therefore, lose his services. Much had already been done to lessen the *esprit de corps*, and the affection for the country's military service, without which no man was worth being kept in our Army, by the declaration of peace after our reverse at Laing's Nek. There was also another recent circumstance which would be likely to affect the discipline and the recruiting of the Army. When the highest honour that could be granted to our gallant men—namely, the Thanks of both Houses of Parliament, and when that honour was about to be paid to our Forces in Afghanistan by the House of Commons, they had seen Cabinet Ministers, and other Members of the present Government, walk out of the House, in order to avoid giving their votes in favour of men who had dared everything in the interests of their country. Great dissatisfaction, he maintained, must be caused among soldiers, and those who looked forward to becoming soldiers, by the knowledge that whatever our troops might do and suffer, there existed a certain class of politicians who would willingly withhold from them the honours which the country wished them to receive. Turning to the subject of the new Territorial Scheme, he argued that, though the Scheme had now been modified to a certain extent, there were still defects in its provisions. It was felt by certain regiments that their interest had not been consulted. He must always urge upon the right hon. Gentleman the necessity of allowing the fighting regiments, which had won well-known and glorious titles, to retain the names under which they had for so many years fought. The Royal Fusiliers, for instance, enjoyed a title which nothing but positive coercion would make them lay aside. He was glad that the right hon. Gentleman had recognized the fact that Purchase captains deserved more consideration than that which it was originally intended should be shown to them. But were Purchase captains to receive any portion of their purchase money back, or was the State going to put that money into its own pocket? The Government, he held, ought to have the courage to deal with this question manfully, and to return the regulation price paid by these officers for their commissions. In some crack regiments, in which officers remained for longer periods than were usually spent in less fashionable regiments, there were Purchase officers who would be passed over altogether under the Scheme of the right hon. Gentleman. He knew of one regiment in which there were officers who obtained their companies in 1868, but who would be passed over by Non-purchase officers, who did not get their companies till 1874 or 1875. Another class of officers who had grievances which ought to be redressed consisted of those who, contrary to their own wishes, were placed upon half-pay when their regiments were disbanded. With regard to the rule requiring generals to retire if unemployed for five years, he expressed the opinion that the change would operate unfairly. The House had been solemnly assured by Lord Cardwell that the interest of purchase officers would not be allowed to suffer in consequence of the abolition of the Purchase system. Yet the Government now proposed by this five years' rule to place colonels as well as generals who had purchased their commissions in a far worse position than that which they would have occupied if the system had not been done away with. It was true, as he understood it from the right hon. Gentleman the Secretary of State for War, that colonels would be allowed to retain their distinguished service pensions. But with what justice could it be said that because a general had been fortunate enough to get his promotion early, he was to be mulct of £10 a-year for every year he was under 62, when retired, so that the whole amount did not exceed £100. Then, was he to be allowed nothing for his prospective chance of getting a regiment? Those were matters fairly deserving further consideration. The Government, in fact, were about to take from these officers all opportunity of advancement in the Service, when, according to the terms under which they had entered the Army, they were entitled to expect advancement. The only reasonable course to follow would be to return to these officers the regulation price of their commissions, and he was also of opinion that it would be fair to extend the proposed term of five years to seven years at least. A solemn responsibility rested upon the right hon. Gentleman, and he (Sir Walter B. Barttelot) hoped that every consideration would be given to the defects which had been pointed out, so that the mischievous discontent which prevailed in the Army might be removed, and that the right hon. Gentleman would so use his power as to give justice and fair play to all ranks composing it.

SIR ALEXANDER GORDON, in rising, according to Notice, to draw the attention of the House to the injustice to individuals, and the injury to the public service, which the compulsory retirement of efficient officers, in consequence of five years' non-employment, or on account of reaching a limit of age while still in the vigour of life, will cause in all cases, but specially in the cases of those officers who, relying on the assurances made by the Government, have paid for their promotion the sums required by the State for that purpose; and to move—

"That, in the opinion of this House, it is not desirable to carry into effect that part of the new Army scheme, recently laid upon the Table, which authorises the compulsory retirement of efficient officers under 70 years of age, but that increased inducements to voluntary retirement should be substituted therefor, according to the original plan laid down by Lord Cardwell, and sanctioned by Parliament in 1871,"

said, he thought the speech of the right hon. Gentleman who had brought forward this subject (Mr. Childers) was calculated to create misapprehension with regard to the compulsory retirement of commissioned officers of all ranks. The right hon. Gentleman told the House that every general officer would have the right to remain as he was, and that his rights and privileges would be scrupulously retained to him. The House was left to believe by that, that the present rights and privileges of general officers would be retained to them; but that was precisely what the general officers wished. He had letters every day, not only from general officers, but from colonels, captains, and subalterns, complaining of the Scheme of compulsory retirement, which they would be forced to accept without any alternative or choice whatever. The right hon. Gentleman was a great financier, and he (Sir Alexander Gordon) expected that the right hon. Gentleman had been discussing the question solely upon the financial considerations arising out of it. The right hon. Gentleman seemed to ignore the fact that there was something dearer to the officer than the money consideration, and that was the honour of serving his country in the Service to which he had devoted, and in which he had risked, his life. All that the officers, both old officers and young officers, asked was to be placed on the footing in which the right hon. Gentleman said they were placed by the new Scheme. He would just show, in a few words, how erroneous was the belief that the officers would be placed on that footing. That very morning he had a letter from a lieutenant-general, of which he had the gallant gentleman's permission to make use. And here he might just say that in regard to the mass of communications he had received on this subject, he had permission to use the whole of it; but he did not think it desirable to mention the names of any officers, because, if he did so, the officers in question would never hear the last of it at the Horse Guards and the War Office. In the particular case to which he wished at present to refer, the officer attended the levee of His Royal Highness the Commander-in-Chief to ask for relief from the system of which he complained; and he mentioned to His Royal Highness that he was the youngest lieutenant-general but seven in the whole Army. The answer he received from His Royal Highness was—"You are suffering from the rapidity of your promotion." This officer was promoted for distinguished services in the field, and now, though quite a young man, he was forced to retire under this new Scheme. The right hon. Gentleman the Secretary of State for War had stated that special cases would be inquired into and provided for; and the officer in question, acting on this statement, wrote to ask that his case might be inquired into. The following was the reply he received from the Horse Guards:—

> "His Royal Highness is unable to alter the decision which has been arrived at by the Secretary of State in regard to the compulsory retirement of general officers in consequence of the period of non-employment."

The gallant officer then wrote to the Secretary of State for War, and the answer he received was—

> "I am directed by the Field Marshal Commanding-in-Chief to acquaint you that the proposed new Warrant is now under consideration; but in carrying out the rules therein laid down it will not be possible to make an exception in favour of any particular officer."

Sir Alexander Gordon

That was how the matter stood with regard to this gallant officer. Now, with reference generally to this compulsory retirement of efficient officers of all ranks, he wished to remind the House that the system was begun in 1877 by Mr. Gathorne Hardy, who was then Secretary of State for War, and that right hon. Gentleman proposed that a captain should be retired at the age of 40. Hon. Members would recollect that that proposal was strongly opposed by the hon. Member for the Border Burghs (Mr. Trevelyan), who, on August 6, 1877, said—

> "It was too evident that, with our present organization, the only means of making promotion rapid was by retiring officers from the lower ranks, and that was the method adopted in the scheme of the Government. That meant taking a man in the prime of life, and offering him a bribe to deprive the country of his services exactly when he became most valuable. . . . . Our battalions ought to be organized on another system by which the plan of early retirement would be unnecessary, and which would do away in a great measure with the enormous burden which this scheme proposed to entail on the country."—[3 *Hansard*, ccxxxvi. 475-6.]

And who, afterwards, speaking at Galashiels, in November last, at a meeting of his constituents, further said that—

> "Because the Horse Guards would not undertake the responsibility of promoting regimental officers by selection, we should, on the 1st January next, be reduced to the miserable expedient of ejecting from the Army, against their will, a number of excellent officers at an age which a man past 40 might be permitted to call the prime of life—breaking their hearts and the back of the English Exchequer."

The question at that time, in 1877, went to a division; and he hoped the right hon. and hon. Members who then occupied the Front Opposition Bench would, to-day, vote in the same way as they did on that occasion in support of the Motion of the hon. Member for the Border Burghs. The right hon. Gentleman said that the Scheme of 1877, as it was worked out, was quite intolerable.

MR. CHILDERS: The Scheme for the compulsory retirement at the age of 40.

SIR ALEXANDER GORDON said, that the right hon. Gentleman stated that the Scheme, as it was worked out, was quite intolerable. They all knew that the right hon. Gentleman introduced compulsory retirement on account of non-employment into the Navy; and now he was introducing it into the Army. There was, however, a difference between the two cases. In the case of the Navy 10 years' non-employment were given to admirals and commanders before they were retired, whereas in the Army the period allowed to all ranks was to be only five years. In the Navy there was this further difference, that the officers paid nothing for their advancement in the Service; but in the Army the most of these officers paid £4,500 for their commissions, and they had done so under rules, not made by themselves, but by the State. Yet now it was proposed to take that money away from them without giving any equivalent in return. The fact was, that this Scheme of compulsory retirement was one which threw the whole advantages of the upper ranks in the Army into the hands of a small clique—those who were in the upper classes of society, and who could, by their social and political friends, bring influence to bear at the Horse Guards and the War Office. These were the people who derived benefit from this Scheme, because they were the people who would get employment. The poor officer, on the other hand, who was unable to make his case heard, was driven out of the Army. No doubt, the right hon. Gentleman, surrounded at the War Office by officers who benefited by these rules, found that the system was highly approved of; and, no doubt, the Ministers of the day, surrounded, as they were, by those who would benefit, heard in the same way that the Scheme was an admirable one. During the late Government's term of Office, he once amused himself drawing up a list of the Lennoxes who found employment; and in the same way, if any hon. Member took *The Army List* and went over it, he would find how advance in the Army was made by men who had friends in Office. Lord Cardwell, in dealing with the subject of Army Reform, opened the door to every man who had ability to get in; but the Scheme now proposed closed that door except to the upper classes and a favoured few. All the changes we had recently made were changes in favour of the monied classes; and it would be interesting to have a Return of the number of poor men who had refused commands, solely because of their inability to bear the expenses that were entailed upon them. The monied men, and those bulked largely in view, were those who were in these positions. Let them look, as an instance of what he meant, at the annual Review at Brighton. The men who commanded there were Princes, Dukes, and Lords. They came largely before the public, were naturally largely under the eyes of the Horse Guards, and they obtained the good positions. In the same way, it was mostly monied men who attended the Autumn Manœuvres, and most of the distinctions recently given to the Volunteers went to the monied men. With regard to the exemptions that were given from the non-employment rule, there were also very serious objections to the way that was carried out. He noticed, for example, that Queen's aides-de-camp were not to be exempted from compulsory retirement. These appointments could only be obtained by men who had performed the most distinguished services in the field; and it was hard that an officer who had been selected for that great honour should not have any advantage, but should be relegated as a useless piece of lumber to the retired list. On the other hand, Equerries to the Sovereign and the Prince of Wales were exempted from compulsory retirement, and of this he did not complain; but he did not see why the more civil duty should carry exemption from compulsory retirement with it, while the officer who discharged the more soldierly duty of aide-de-camp to Her Majesty should not be exempted from compulsory retirement. Now, he should like to read what Lord Cardwell said of promotion in the Army. In 1871, Lord Cardwell said—

> "Of this, at least, officers may be certain, that a reasonable rapidity of promotion, such as is necessary for the benefit of the Service, is a vital consideration, and must be always provided by the the Crown and by Parliament. And when I say reasonable rapidity, I mean some such rapidity as exists under the present system."—[3 *Hansard*, ccv. 144.]

Mr. Gathorne Hardy, in 1877, referred to this passage, and said—

> "That must be taken as the solemn promise of the Government by which, and through which, they carried the abolition of purchase."—[*Ibid.* ccxxxvi. 507.]

All that the Army asked the Government to do was to fulfil the promise which was made by Lord Cardwell, in 1871, and which Mr. Gathorne Hardy, in 1877, said was a solemn promise by which and through which the Government carried the abolition of Purchase. What did the Secretary of State for War now propose? Instead of the promotion promised, the right hon. Gentleman gave compulsory retirement. Instead of a fish, he gave a stone. Did the right hon. Gentleman think that officers looking for promotion would thank him for compulsory retirement? It was not fulfilling the condition under which these officers remained in the Service. With regard to reducing the number of subalterns, recently, 816 officers had been added to the Army, to take the places of officers who had been "seconded," because it was held that the Army must be kept up to its full establishment of officers which were necessary for the Service; and now, having put the country to the expense of these additional officers, it was proposed by the new Scheme to reduce them by 480. The fact was that the Army, instead of being a real Profession in which a man could enter and hope to obtain promotion, was a gambling transaction, in which a man might rise, or in which he might not. If a man served in a regiment where the officers were happy and contented, and remained in the regiment, the chances were that he would not get promotion; but if the man got into a brandy-drinking regiment, with a detestable officer at the head of it, he would get speedy promotion. He had a letter from an officer in one of the best regiments in the Service, an old Peninsular regiment. This officer drew his attention to the fact that in the 94th there was a captain of 1879 who would be promoted to be major on the 1st of July, but that in this old Peninsular regiment there was a captain of 1868 who would not be promoted. This was a difference of 11 years. A junior was promoted and a senior left; and there were no fewer than 32 captains in the same position. They had heard of the Prussian Army, but the Prussians had not got compulsory retirement. On the contrary, they took very great care of their old officers. There was not an Army in Europe that he knew of that had a system of compulsory retirement. The Prussians adopted another system. They rejected an inefficient officer. Why did not we do the same? He knew the theory was that it was done. It was stated that inefficient officers were not promoted; but they were, somehow, promoted. The merits and demerits of officers were only known by the Reports of the general officers; and in order to show how officers were rejected or not rejected, he would read a few lines from two Reports which he himself had made many years ago. In one of these Reports he said—

> "There have been 58 desertions in 12 months. Major —— is not, in my opinion, fit for command. There have been 108 courts martial in six months. The amount of drunkenness exceeds anything I have ever noticed."

That was his Report upon the regiment, and this was the reply he received by way of encouragement—

> "His Royal Highness has derived the greatest satisfaction from the perusal of documents so very creditable to the several corps concerned, all of which appear to be in a high state of discipline."

In the margin two corps were named—one the regiment he (Sir Alexander Gordon) had reported upon; and the other a portion of the Commissariat Staff. He mentioned that, because he knew the right hon. Gentleman the Secretary of State for War was a real reformer, and he wished him to take up the question of proper rejection and deal with it. If the right hon. Gentleman did so, there would be happiness and contentment in the Army, and there would be no need for the compulsory retirement of efficient officers. In another Report, he (Sir Alexander Gordon) said—

> "I found the quartermaster's department in the most deplorable confusion. The accounts and books are nearly all wrong, and there is a considerable deficiency of stores. The quartermaster admitted that on receiving notice that the regiment was to be inspected by the general officer, he counted over the clothing in store, and then desired the clerk to insert as issues such figures as would leave a balance corresponding with the articles in store. The quarterly account for the repair of accoutrements was all wrong, fictitious and fraudulent. It seems to be entirely in the hands of the quartermaster sergeant. Of all the commanding officers under my orders, Colonel —— is certainly the worst, both in the field and in office."

This Report had reference to a corps which was in Ireland when Sir George Browne held the Command in Chief, and the following was the note he (Sir Alexander Gordon) made on the back of the Report:—

> "After this Report was received by Sir George Browne, he told Colonel —— that it

was impossible for him to remain in command, and that he had better make his arrangements for retiring quietly. The result was that Colonel —— was made Inspecting Field Officer of one of the best recruiting districts in England; Quartermaster —— obtained the honorary rank of Captain, and was allowed to retire on that rank; and the Quartermaster Sergeant was pensioned, and made a clerk at the War Office."

This, as he had said, occurred long ago; if it had been a recent case, he would not have mentioned it. But it showed, he thought, that undue leniency was exercised when severity ought to have been used. On the other hand, he had often found that undue severity had been used when leniency ought to have been shown, and that officers were removed for unnecessary causes. His experience extended to two such cases. He had had occasion to obtain the reinstatement of two officers who had been improperly removed from the Army in consequence of improper Reports which had not been investigated in a proper manner. The system of compulsory retirement caused great hardship in many cases; and he would mention one such case. General Shute, when a Member of the House of Commons, was offered the post of Inspector General of Cavalry—a post to which all Cavalry officers aspired. General Shute would have accepted it, but the Minister of War of the day begged him not to take the appointment, and to remain in the House of Commons, where his presence was desired by the Secretary of State for War. General Shute accordingly declined the post, hoping to have his turn some other time. What happened? He had been promoted more rapidly than had been expected; and now General Shute was to be turned out as rubbish and refuse that was of no use in the Army. Dealing with the regimental system, he would point out that Mr. Gathorne Hardy declined to adopt it; and he thought that right hon. Gentleman acted on very good reason in doing so. He (Sir Alexander Gordon) thought the scheme was objectionable in different ways; and, while he said so, he hoped the right hon. Gentleman the Secretary of State for War did not think he was one of those who was opposed to all change. [To show this, the hon. and gallant Gentleman read an extract from a paper he had given to Mr. Cardwell in 1873, pointing out where his scheme of linked battalions would fail.] And it had failed precisely as he had indicated. He printed the paper in the following year.

"The principle of the amalgamation which the Government seek to obtain by the recent changes would appear to be to destroy the individual interest and traditions of regiments, and henceforth to regard only those of the United Brigade; but the steps taken to carry this principle into effect are not complete. To be effectual, the county names and traditions of individual regiments must in future be merged in the county name and the traditions of the brigade in which they are linked together. The traditions of a regiment are very interesting to the officers in it; but they are of less importance to the country than a good organization, and must yield before the superior advantage of a perfect fusion of two regiments into one brigade, which the Government desire, but which cannot be complete as long as old traditions are fostered, and precedence, &c., retained."

He was, perhaps, too much a reformer for his own benefit. The part of the system to which he chiefly objected was the increase that was made to the number of mounted officers. The right hon. Gentleman proposed to double the number of mounted officers—that was to say, instead of three mounted officers there would be six in future; and that was being done while the total number of officers had been reduced 480. Again, why had the second lieutenant-colonels been appointed, seeing they had nothing to do? In his own time second lieutenant-colonels had been reduced, because they had been found to be useless and sometimes mischievous. And why were they going to reduce the number of the very men that were wanted—namely, the subalterns? He only wished further to say that he had hoped when the right hon. Gentleman came into Office, he would have tackled the great reform so much wanted by persons both in and out of the Army—the placing of the administration of the Army on the same footing as the administration of the Navy, and giving more public access to the different positions in the administration of the Army. No Government had hitherto had the courage to press it; but it was a reform that was much wanted, and he would have been glad if the right hon. Gentleman had seen his way to undertake it. He begged to move the Amendment of which he had given Notice.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is not desirable to carry into effect that part of the new Army scheme, recently laid upon the Table, which authorises the compulsory retirement of efficient officers under 70 years of age, but that increased inducements to voluntary retirement should be substituted therefor, according to the original plan laid down by Lord Cardwell, and sanctioned by Parliament in 1871,"—(*Sir Alexander Gordon,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir ROBERT LOYD-LINDSAY said, he wished to remind hon. Members that the hon. and gallant Baronet (Sir Alexander Gordon) had condemned the late quite as strongly as he had the present Government in connection with this subject; and from that circumstance he felt that he could safely congratulate the House and the country on the fact that the reform of the Army was not made a Party question. He (Sir Robert Loyd-Lindsay) thought that the right hon. Gentleman had gone as far as he could properly go in the scheme he had submitted, and quite as far as he could go in his concessions to those who had advocated the claims of the Colours in preference to the claims of the Reserve. He had no difficulty whatever in understanding the views and the feelings which officers of the Army held with regard to the maintaining the efficiency of the Colours. It was quite natural that an officer who had taken very great pains with the men under his command, and brought them to a high state of discipline, should view with great reluctance the prospect of seeing them moved off to the unknown limbo of the Reserves; but the Secretary of State had to consider in what way he could supply the place of those whom a war would place *hors de combat.* His hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot) was therefore tinged with the unfairness of those who argued in favour of long service, and carefully ignored its disadvantages, and he could not agree with his hon. and gallant Friend in the criticisms he had made upon the short-service system. Long service, of course, produced a limited number of fine troops; but the losses incident to a long campaign, such as that in the Crimea, made all its weak points only too evident. When the Crimean War broke out magnificent regiments of the finest soldiers started for the seat of war. Three months afterwards, when the "shine" had been taken out of them, and many of them were *hors de combat,* there was no Reserve to fall back upon to fill up their ranks. The consequence was that the highways and hedges had to be searched for recruits—and it would have been well had that been all; but as they had also to go into the back slums of all our great cities for them, boys were sent out who were perfectly unfit for duty, so that Lord Raglan had to beg the authorities at home for Heaven's sake to send out no more of such recruits, because they were clogging the hospitals long before they came in face of the enemy. The long-service system had broken down, and in favour of a short service there appeared to him to be three convincing reasons. With the long-service system they could have no Reserve; there was an enormous non-effective charge upon the Army; and they were embarrassed with a very large number of married soldiers, who needed expensive barracks, and who, though very steady in time of peace, were home-sick in war time. No doubt, commanding officers were very well pleased when they were not on active service to have married soldiers in the ranks, because they were steady and well-behaved; but on active service nothing could be worse. The Warrant said that in India the service would be for eight years, and that for men abroad it might be extended to eight; and then it went on to say that the Secretary of State would not be precluded from extending the term to 12 years. That would be a blow at the Reserve, which had never been very brilliant, but had come out very well when called for. Many officers prophesied that the Reserve which was on paper would never be heard of; but, unluckily for the prophets, at least 95 per cent of the men appeared, and were excellent soldiers. But the prophets were on their legs again. He therefore hoped the right hon. Gentleman (Mr. Childers) would do his best to make the Reserve highly efficient. His hon. and gallant Friend said that the employers of labour ought to be looked after. Certainly they ought. He hoped that Railway Companies and others who refused to employ Reserve men would have their names mentioned in the House, and their unpatriotic conduct denounced. There was one class of Militia colonels during the Crimean War who would not let their men pass into the Line. Other colonels took a more patriotic course, and did better service to the country. He should like to see included under the 13th paragraph the men of the Army Hospital Corps. His right hon. Friend had permitted a certain portion of artificers, drummers, and buglers to extend their period of service for 21 years, so as to earn pensions. He would appeal to his right hon. Friend to allow the Army Hospital Corps men to go in for pensions. They had to attend to the sick and wounded, and men of 35 and more were better fitted for that duty than younger men. He would make another appeal to his right hon. Friend on behalf of corporals. He knew that, with the leave of their commanding officers, they might serve for pensions; but the soldier on taking the stripes ought to know whether he would be allowed to make the Army his career. He gave his cordial support to the principle of territorial regiments. It was the principle of his right hon. and gallant Friend (Colonel Stanley), and was proposed in his Committee. In the germs of that proposal there was the probability of a great success. But he regretted that the right hon. Gentleman had not included in those territorial regiments the Volunteers where that could be done. With regard to the depôt centres, the right hon. Gentleman ought to consider how the scheme, which was a thoroughly good one, might be made to work. Although £3,000,000 had been spent upon it, the plan wanted more money to make it thoroughly efficient. They had the buildings for the depôt centres scattered over the country; but hardly one of them was fit to receive a regiment of the Line or of the Militia. Until the counties should, from time to time, see their regiments among them, and hear their bands play in the streets, the territorial system would languish. If the right hon. Gentleman would call to his aid his Financial Secretary (Mr. Campbell-Bannerman), who had for six years spoken on military affairs with such authority from the Opposition Benches, perhaps the money might be found.

COLONEL ALEXANDER said, he had to thank the right hon. Gentleman (Mr. Childers) for the kind way in which he had taken into consideration the Memorandum he (Colonel Alexander) had submitted on the case of the quartermasters, and for the concessions the right hon. Gentleman had made to them; but he must guard himself against being supposed entirely to approve of everything that had been done in that direction. There were two or three points to which he wished to direct attention, and he would ask the right hon. Gentleman to consider, even at the 11th hour, whether he could not make some slight modifications in the Memorandum. 1*s.* 6*d.* a-day increase was to be given to the quartermasters for 20 years' service upwards, and that seemed a very substantial improvement; but it was only a very slight improvement, and not in any way a substantial one. Of all the quartermasters in the active and Regular Army only five would come under the operation of the concession, and one of those five would be placed on half-pay in three months, and so would immediately forfeit the benefit. Then the rule obliging quartermasters to retire on completing 55 years of age would debar them from hoping to obtain this increase, so that the real increase which remained would be the magnificent sum of 4*d.* a-day. The right hon. Gentleman would earn the gratitude of the quartermasters if he would consider the advisability of granting this additional 1*s.* 6*d.* after 16 years, instead of after 20 years. Of the quartermasters six or eight would be obliged to retire on the 1st of July, and two within three months of that date, and he hoped the right hon. Gentleman would give those unfortunate men a little breathing time, in order that they might obtain new employment. The hardest case would be this—A and B were two quartermasters, aged 55 years. A would complete 10 years' service on June 30th as a quartermaster, and would be allowed to remain three years longer; but B, completing his 10 years on the following day, would be obliged to retire immediately. That was not an equitable arrangement. What special virtue was there in 55 years? If that rule were applied to the Cabinet, he feared the country would lose some of its brightest and most illustrious ornaments immediately, and he was afraid even the right hon. Gentleman himself (Mr. Childers) would not long survive the application of the rule. Then the maximum retiring allowance for quartermasters was fixed at £200 a-year, with a deduction of £10 a-year for every year less than 20 years' service. If that deduction were made, surely there ought to be a corresponding increase of £10 for every year over 20; or if that were impossible, there should be a bonus of at least £50 on retirement. He must confess also that he did not like the rule by which quartermasters might be compulsorily retired after 10 or 15 or 20 years respectively, unless they were recommended for continuance on the ground of efficiency. That would place too much power in the hands of commanding officers; and if a quartermaster was inefficient, he ought immediately to be retired without reference to the period of service. He must also point out that the quartermaster-sergeants were disappointed that the right hon. Gentleman had not seen his way to carry out the recommendations of Lord Airey's Committee and given them, as well as the serjeant-majors, the rank of warrant officers. With regard to the scheme of the right hon. Gentleman generally, he did not believe the rule as to the 19 years' limit for recruits could be practically carried out, for, as a Committee of medical officers had stated, the signs by which age could be fixed were so uncertain that a youth of 18 might appear to be any age between that and 23. In a short-service system it would be better to fix the limit at 20. He deeply regretted that the right hon. Gentleman did not see his way to allow at least a percentage of the men, other than non-commissioned officers, to extend their service for pension, for he was sure every practical soldier would bear him out in the assertion that very beneficial results would accrue from the presence of a certain number of old soldiers of good character in a regiment, and their influence upon the younger men. These old soldiers were the salt of the regiment. In the barrack-room, and in the absence of the married sergeant, they assumed the position of non-commissioned officers. They repressed, to a certain extent, the use of bad language, which had such a baneful effect on men of respectability in deterring them from entering the Service. He attached great importance to the residence of a certain number of pensioners in recruiting districts. He also hoped those men who had completed six years with the Colours would be allowed to re-engage for pensions. It would be a distinct breach of faith, which would be bitterly felt in the various recruiting districts, if they were forced into the Reserve. As to the objection that it would involve considerable expense, he believed the cost would be trivial. He was very glad the non-commissioned officers were to be allowed to re-engage; but he objected to their re-engagement being subject to the veto of the War Secretary. The matter was too small a detail for the Secretary of State to deal with, and he would advise that the re-engagement of a sergeant or a corporal should depend on the commanding officer. Then, with regard to the drummers and buglers, he wanted to know from the right hon. Gentleman why a certain proportion of the drummers and buglers only were to be allowed to extend their service for pensions? That would be an injustice to those who were not granted the privilege; and he would point out that as they usually entered at 14 years of age, they had not had time to learn a trade, and if they were turned adrift at 25 they would have no means of livelihood. He further deeply regretted that, in time of peace, men who had served three years with the Colours were to be allowed, and even encouraged, to pass into the Reserve. By encouraging these young soldiers to convert their Army into a Reserve Service, they virtually sacrificed the active and Regular Army to the necessities of the so-called Reserve Force, which, perhaps, once or twice in a century might be called out for active service. In addition to that, it must not be forgotten that the calling out of the Reserves had the effect of depriving soldiers of civil employment which they had either gained or resumed on leaving the Army and entering the Reserve. His own view was that, instead of the Government trying by artificial means to increase the strength of the First Class Army Reserve, that magnificent Force, the Militia Reserve, should be utilized, as was recommended some time ago by Sir Henry Havelock-Allen, who was at that time a Member of the House. He agreed with the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) in condemning altogether that rule by which officers were compelled to retire after five years' non-employment, and he believed the enforcement of that rule would be a frightful source of jobbery and favouritism.

MAJOR NOLAN, who had the following Notice on the Paper:—

> "To move, That the Army Retirement scheme, as embodied in the June Memorandum, entails considerable and unnecessary expense, and that this unnecessary expense is largely owing to the most prominent feature of the scheme, namely, the compulsory retirement of officers whilst they are physically fit for service;"

said, that while agreeing that the Memorandum of the right hon. Gentleman was good, as far as it went, in reference to the cases of non-commissioned officers, he thought it did not throw open a sufficient number of commissions to such officers. He also thought that the position of the private soldier was in no way improved. As regarded them, he thought the Secretary of State for War was making two mistakes in totally opposite directions; the fact being that the proposals of the right hon. Gentleman would have the effect of keeping on the bad characters in the Army, and of discharging the good men after shorter service. What should be done was just the contrary of this—the bad men should be got into the Reserve as quickly as possible, and the good men kept on active service as an example to others. As far as the commissioned officers were concerned, he could not help thinking that the present proposal was one which could only result in giving a new lease of life to the bad system of compulsory retirement of captains at 40 years of age, just when they had become most competent for the discharge of their duties. That system, which was a very bad one, was introduced by the Conservative Government in 1877. He (Major Nolan) objected to it, believing that it would not only inflict hardship on the officers affected, but involve a cost of at least £1,200,000. There was, he would point out, no other Military Service in Europe by which men were retired at the early age of 40, and so strong was his objection to this practice that, although he did not altogether approve of the Motion of the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon), thinking his own Motion rather preferable to it, he would gladly vote for it, as it contained a strong protest against the system of retiring officers when they were fit for service.

LORD EUSTACE CECIL said, that he hoped no one would speak for more than a quarter of an hour, or that if he did some one would pull him down by the coat tail. He should confine his observations to one or two subjects connected with that large question. And, first, he would touch on the point of expense, to which he more particularly wished to address himself. As regarded that point, it might have been expected that some hon. Gentleman below the Gangway opposite would have got up and talked about the great extravagance of the Army Estimates; but he (Lord Eustace Cecil) never observed that on a military night, whatever might have been said in election speeches, anyone got up, except the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson), to suggest that the Army Estimates were extravagant, although hon. Gentlemen did get up and call for additional expenditure. Since he (Lord Eustace Cecil) had been in Parliament, the Army Estimates had risen from £12,000,000 to £13,000,000, to £15,000,000 or £16,000,000. That was a very portentous fact; but, as regarded it, he did not want to find fault with any particular Administration, and certainly not with the present Secretary of State for War. He knew that his right hon. Friend had a great many difficult questions to settle, and he was bound to say that everything he had done had been marked by courtesy, painstaking, and care, very creditable to a Secretary of State for War. Of course, he could not find fault with his immediate Predecessor (Colonel Stanley), nor with Lord Cranbrook, both of whom succeeded to legacies of embarrassment. But he must say that a great responsibility rested on Lord Cardwell's Administration. Almost all the questions that were now causing difficulty arose out of what was done by that noble Lord. He (Lord Eustace Cecil) had opposed Lord Cardwell's scheme at the time, and pointed out what the country was committed to by it. The fact was, that in 10 years it had cost the country £25,500,000, or £3,000,000 a-year. That total sum included purchase of commissions, £8,000,000; brigade depôts, £3,500,000; waste on short service, £3,500,000; and officers' retirement scheme, £10,500,000;

making together £25,500,000 in 10 years. More than 20 years ago the cost of a British soldier was calculated to be £100 a-year; now, as he (Lord Eustace Cecil) had pointed out in a recent speech, the cost per man was £135 a-year. That was a very serious matter; but he knew it was of no use crying over spilt milk. That money had been spent; and all he wanted to do was to ask the right hon. Gentleman opposite and the Financial Secretary of the War Office to take care that good money should not be sent after bad. He was afraid that in what they were going to do in future—for the whole of the present scheme was a matter of speculation—a great deal of good money would go after the bad. He did not say that he or anybody in the House could prevent that scheme being carried out. All that they were doing or could do was in the nature of a protest. But it was right that they should record their protest. They, on that side of the House, did not agree in the policy adopted 10 years ago; and although when they were in Office they were bound to give it a fair trial, yet he must say that, in his opinion and that of his Friends, that policy had signally failed in the Zulu War and in the other wars that had since occurred His right hon. Friend the present Secretary for War, in his desire to do that which was most agreeable to the Service and the country, had brought in a scheme which had some good qualities; but, at the same time, many of which he could not speak so well. He would take one point especially—the age of recruits. His hon. and gallant Friend (Colonel Alexander) had spoken of the age of recuits, and had said that, in a military sense, it was most important that men of 20 should be enlisted. He (Lord Eustace Cecil) said the same thing in an economical sense. Lord Airey's Commission showed that every man who was enlisted at 19 cost the country £100 for the Cavalry and £96 for the Infantry; whereas, if enlisted at 20, the cost would be only £58 for the Cavalry and £57 for the Infantry. And, as he (Lord Eustace Cecil) had said the other day, if his right hon. Friend would enlist men at 20—and he did not think it would be at all difficult to do so—they would get not only a much cheaper, but also a much better article. Whatever might be the relative merits of each, he did not think they could do now without some combination of long and short service, because the ordinary British peasant had grown so accustomed to the system of enlisting for short service, that he did not believe they would easily get men to enlist for long service; so that that really settled the question. But in regard to short service, there was no doubt, as he had said, that there had been a very great waste. Lord Airey's Committee estimated its cost at £3,500,000 in 10 years. There was a danger that, in future, they might lose a certain number of men unless they were enlisted at 20 years of age; and he hoped that the right hon. Gentleman would consider whether it would not be possible to limit the recruits to that age. He wished to say a few words on the Non-Effective Vote. That Vote had certainly increased in the last 10 years, owing to the increase in the Out-Pension Vote. All that time the system of short service had been going on, and although Lord Cardwell did not immediately promise a reduction of expenditure in connection with this system, he held out the hope that such would be the case. What was the fact with regard to the Out-Pension Vote? Contrary to Lord Cardwell's anticipations, the Out-Pension Vote had, during the last few years, increased at the rate of £75,000 per annum, giving a total increase of £380,000. He should like if the right hon. Gentleman (Mr. Childers) could explain how it was, for it was a pregnant fact that the Pension Vote had gone on increasing while we had had short service. As to compulsory retirement, he did not believe promotion would work properly without compulsory retirement. He thought there was nothing whatever to complain of as to the conditions of compulsory retirement in the scheme of the right hon. Gentleman.

Major O'BEIRNE, in criticizing the details of the scheme, said, that the short-service system had been tried and found wanting. It was a sham. The reason why the Reserves of foreign Armies answered was because they were efficient, in consequence of being called out annually for training, and our Reserves were never called out; whereas, in our case, two months' training was necessary before they were fit to take the field; and, further than that, foreign service was not allowed till after the age of 23.

Besides, they had conscription, and were able thereby to collect the best of the male population all over the country. He agreed with the hon. and gallant Member for East Aberdeenshire (Sir Alexander Gordon) in what he had said in regard to the position of officers under the new scheme. As to the territorial system, however, he did not think it would have the effect of destroying *esprit de corps;* but, at the same time, he held the best plan was that of the Duke of Wellington, who desired always to have the three Nationalities blended in one regiment. He wished to point out that the Reserve at present was useless; because, if we wanted the men, we should have to give them three months' training before they would be fit for active service. He also thought that under the present retirement rules the War Office would become a focus of backstairs influences.

SIR HENRY FLETCHER said, he deeply regretted that the right hon. Gentleman the Secretary of State for War had not seen his way to allow the re-enlistment of men who had served their time, and who were willing to remain with the Colours. Lord Airey's Report recommended that 25 per cent of the old soldiers, who had completed 12 years' service, should be allowed to re-engage, and he thought it would have been very much better for the discipline of the Army if that recommendation had been acceded to. He believed that by retaining a certain number of old soldiers discipline would be maintained in the Army. In a very short time, when the old soldiers had disappeared, the barrack-room would be filled with recruits and with non-commissioned officers about the same age as the recruits. The non-commissioned officers would probably act with too much harshness, or with indiscretion, in the management of the recruits. He thought, also, that it would be better for service in the field if some old soldiers were mixed up with the young ones. Certainly, the old system of long service was more popular with old soldiers than that which had been recently established. Two hundred and nine men, formerly in the Army, but now occupied in various Public Departments—the Police, the Home Office, the Convict Department, and in other responsible positions—were asked their opinions; and 129 expressed their opinion that they would much prefer the old system, and 61 only were in favour of the new. He also thought it was a most unwise proceeding to retire captains at 40. He was afraid the result of the system would be that they would find a number of those officers become loiterers at clubs and about watering-places, with just means enough to maintain themselves; and, that being so, he did not imagine that parents in the future would be disposed to spend heavy sums in the education of their sons for the Army with such a prospect before them. Nor could he express approval of the territorial system; the abandonment of the well-known names and titles of regiments being, in his opinion, most dangerous, especially at this critical time, when every other Army in Europe was armed to the teeth. The change would be distasteful to the officers and not liked by the men, and young men would not be induced to join the territorial regiment of their district. He thought it was dangerous to interfere with the traditions of the Army; and though there was no doubt that the old system of linked battalions required amendment, he did not think that there should have been such a clean sweep of the old state of things. He thought men should have the opportunity of choosing their own regiments, and that in many cases they would prefer to be away from home. He would venture, in conclusion, to suggest to the Secretary of State for War whether he could not advise the Queen, before the final abolition of the existing arrangements, to hold a review of her troops under the old system, so that she might see them once more as they had existed hitherto, and that they might have the opportunity of exclaiming—

"Ave Cæsar, Imperator! morituri te salutant."

GENERAL SIR GEORGE BALFOUR said, that when Lord Cardwell began those changes in their military system which had ended in so wide a scope, the military expenditure had been brought down to between £12,000,000 and £13,000,000, or less than they had been since the time of the Crimean War. The expenditure, including interest on money spent in buying back the Army, and on outlay for depôt centres and other purposes, was now fully £17,000,000; and, as he thought that one of the most useful inquiries that could be instituted would be as to how this large increase had been applied, and whether the increase of £5,000,000 had been laid out with judgment and success, there would be no cause for regret. The right hon. Gentleman the present Secretary of State for War had made further important changes, and he was of opinion that some of them would be useful, although suggestions had been made in the course of the debate which well deserved his attention, as likely to make these changes work well. He must express his pleasure at finding changes proposed with the view to bringing about increased efficiency; but he deplored the fact that while the Army expenditure was steadily increasing, there had as yet been no corresponding increase in efficiency. The mere formation of a Reserve could not be said to be worth the actual change. Whether the great economies which the right hon. Gentleman stated were to result would be realized, they must wait several years to judge. He was of opinion that, for the sake of the efficiency of the Army, the country was prepared to spend whatever was necessary; and whilst anxious to have all branches of the Service kept up in the highest stage of efficiency, yet he was particularly anxious that something more should be done for the Infantry of the Line. They ought to try to raise that Force up to the most efficient state, so that no soldiers in the world could surpass them. They had only 97,000 privates in the Infantry of the Line, of whom 39,000 were in India, 39,000 at home, and 15,000 in the Colonies. But in those numbers were included lance corporals, bandsmen, clerks, acting drummers, and others so universally borne on the rolls as privates, instead of being shown separately from the soldiers available for guard duties. At least 80 privates in each battalion were inefficient as privates, leaving only 80,000 privates fit for duty out of the 97,000. No one having any knowledge of the calls upon our Army, in every part of the world, would say that such a small Force was sufficient for the widely extended purposes of the nation. Of the total number besides those in India and the Colonies, and with battalions at home, there were only 4,400 maintained in the depôts, 93,000 being actively employed with the Colours. The strength kept in the depôts had been greatly reduced since last year, and no one acquainted with the wants of the Infantry could for an instant accept the present depôt strength as sufficient for the purpose of maintaining the nominal strength of the service battalions. There ought to be in the depôts a strength in privates equal to the numbers annually recruited, say 18,000; also a number of recruits sufficient to cover the strength of lads under 20 years of age, numbering about 7,000; and to cover other differences, at least 5,000 more privates. Say, in all the depôts, at least 30,000 recruits should be kept in excess of the 93,000 men present with battalions, all of whom ought to be efficient in the ranks of privates fit and able to take guard duties. He earnestly impressed upon the Secretary of State for War the importance and urgency of considering the suggestions that had been thrown out, with a view to increase the efficiency of the Infantry, which formed the main body of the Army. That Force should be relieved from all the many guards and other employments, in order that their time should be wholly given up to drills and instruction to fit them for war purposes, so that their small Army might be equal to a larger but less disciplined Force. He thought that as a considerable time must elapse before the effect of the recent changes would be realized, economy at the expense of efficiency would be a great mistake. In particular, the Infantry of the Line ought to be thoroughly efficient. Instead of making the country depend on a Reserve by passing youths through the Army, as in Germany, and making men cease to be soldiers at the very time they had attained to some degree of training, he thought that some other mode should be followed for procuring a Reserve Force for the country. In 1870, he had suggested that the old local Militia, which was formed under Lord Castlereagh in 1809, should again be called into being. There were then 450,000 of the local Militia, and if the system had been carried on we might now have 1,000,000 men to defend the country, and so leave the Regular Army free for foreign service. With this local Militia, or with the universal training of the population, such as Mr. Wyndham proposed in 1807, there would be a magnificent Reserve kept available, thus leaving the Line Infantry to be formed and trained in the way best calculated to secure the greatest efficiency. Happily, the right hon. and gallant Gentleman (Colonel Stanley) the late Secretary of State for War had left the Acts of Parliament relating to the local Militia intact when he re-cast the laws relating to the Regular Militia, so that the calling out of the local Militia could be made whenever the nation desired. He thought a reasonable economy might be effected in reducing the number of companies, and consequently of captaincies. It frequently happened that, under the present formation, a captain had not really more than 40 men under his command. Instead of forming the battalions of eight companies, the formation ought to be either a four-company battalion, as in Germany and France, or, as a mean, into six companies, thereby making each company so strong as to need the presence of a captain and at least two subalterns. In this six-company formation, 846 companies would more than suffice for 141 battalions. In the whole of the Infantry, instead of the 1,410 companies now maintained in battalions and in depôts, of whom 1,128 were with battalions, 846, or even 600, companies ought to be kept up. Then the depôts could be supplied with officers and non-commissioned officers specially selected as the fittest for training recruits. But at present, with the short time allowed for this debate, it was not right to press one's views at greater length, seeing that the right hon. and gallant Gentleman the late Secretary of State was waiting to speak on affairs in which he had had so prominent a share.

COLONEL STANLEY: Sir, there are three points in the statement of the right hon. Gentleman the Secretary of State for War on which I desire to offer a few remarks. Within the limited time at my disposal there are various points on which it is almost impossible for me to touch; and I only wish it to be understood that if I abstain from offering criticisms upon them, it is not to be considered as implying anything in derogation of the proposals made, or any want of respect on my part. The main points on which the discussion has turned have been short or long service, organization, and compulsory retirement. On short or long service there have been expressed that variety of opinions not unlikely to be found in the House. The right hon. Gentleman, who has listened to the debate with such patience, cannot but feel that there is among all sections of the House a very strong feeling that, as far as he may find it practicable, it is desirable that there shall be left a leaven of old soldiers, whether in the form of non-commissioned officers or privates, and that these should be left in no inconsiderable proportions among those who are serving in the active ranks of the Army. I say nothing of some of the arguments which may be used as to the conditions under which the men are engaged. It is said that Englishmen do not like to engage so as to throw away the best part of their lifetime. There is a great deal of truth in that; and, on the other hand, there is a very great deal to be said in favour of short service. I am not at all sure, looking to the general conditions of labour in this country, that you could get a very large proportion of long-service men, even if you chose to take statutory powers to do so. That being the case, and having been the case for the past few years, by the enlistment provisions of the Army Regulation Act of 1879, we gave to the Secretary of State the widest possible statutory powers to enlist men for long or short service within the terms prescribed by the Act. We consider we have benefited by that provision, and if my right hon. Friend is prepared to go one step further in the Amendment Bill, which I understand will be in our hands in the course of a few days, he will find that any proposals in that direction will meet, at all events, with no hostile reception from these, or any other Benches. To show that I am not expressing only the ideas of the moment, I may quote the Reference I gave to Lord Airey, in which I said—

> "That recruits may be as a class equal to what they were formerly; but battalions composed mainly of young soldiers cannot be expected to exhibit the soldierly qualities of more experience."

I do not say it is possible, even if it were desirable, to turn back the wheels of the clock and go back to long service altogether; but I think if my right hon. Friend were able, in view of recent experience, to enlarge his proposals a little, the Service would distinctly be the gainer. I should be glad if non-commissioned officers could have the power to re-engage without the veto. There may be very good reasons why this veto has been introduced; but I confess I share the apprehensions of many hon. and gallant Friends about me, that it would be felt by the soldier that there is an element of doubt brought in, for he knows that if there is a reference to the War Office or to the Secretary of State, the question will rarely go to the Secretary of State himself, but will be dealt with in the Office by those who may have preconceived opinions against re-enlistment. Whether the power should not be given to non-commissioned officers is a matter which deserves the careful consideration of my right hon. Friend. On the next point I would refer to, I know there are great differences of opinion among military men; but I think Lord Airey's Committee were guided by very good considerations in recommending that the quartermaster-sergeants, as well as the sergeant-majors, should be made warrant officers. I can well understand the reasons which have led to the conclusion which has been come to, and that it is desirable that the sergeant-major being at the head of the non-commissioned officers, that there should be a broad line of demarcation between him and other non-commissioned officers, and it is possible it may have been thought it would weaken that position if the quartermaster-sergeant were made a warrant officer; but, on the other hand, I would desire to bring into notice the very great responsibility, financial and general, of the quartermaster-sergeants, and the temptations to which they may be exposed; and I cannot help thinking it would have been well to have improved the position of the quartermaster-sergeant, by making him a warrant officer, and so placing him on a higher level, in which he would be looked up to. As to the sergeant-majors, there can be no difference of opinion, and I am glad my right hon. Friend has done it. With regard to short service, without expressing any strong opinion for or against it, I may say there appeared to be great weight in the reasons which were given by the hon. and gallant Member for Berkshire (Sir Robert Loyd-Lindsay), who spoke when the House had been rather led away from the reasons which led to the formation of the Reserve. My hon. and gallant Friend reminded the House that the Reserve system had been introduced because the long-service system and single enlistment had broken down. There is no doubt whatever about the fact. There was a general feeling that there must be a change of some kind, and short service appeared to be the only method by which an effectual Reserve could be established. With regard to the difficulties which lie in the way of the Reserve, I wish every success to my right hon. Friend in any attempt he may make to induce private employers of labour to co-operate with him as respects his Reserve men. I am very sorry to say that in 1878, when the Reserve men were called out, it was not without difficulty that, believing, as we rightly believed, they would only be out for a short time, when we asked employers of labour to keep their places open for them, that employers acceded to that request. Although the police authorities, Railway Companies, and others, did at last yield to our solicitations, there was not that cordial spirit displayed for the system established, though it is for a national benefit, and a national benefit alone. Much has been said with truth about the hardship of the short service, in respect of its necessitating the constant transference of men from one battalion to the other, and not a little of the blame was thrown on the shoulders of those who favoured the system of linked or double battalions. But I must remind hon. Members that there is no necessary connection whatever between the two. You may have long service, and at the same time you may have a system of linked battalions; you may have short service and single battalions; but the evils which are complained of do not necessarily attach to the combination of these two principles, and they may vary according to the state of the Service. If you wish to avoid frequent transferences, with all their disadvantages, there is only one way, and it is to keep up your battalions at comparatively equal strength. It stands to reason that if a battalion abroad is to be 800 strong, and the corresponding battalion at home is to be 400, transferences must be more frequent than if each were 600 strong. There is no necessary connection between constant transfer and the system of linked battalions. At the same time, I do not agree that it is possible, under the circumstances in which we are placed, at all times to keep the battalions at home and abroad precisely equal. That, if anything, was the weak point, and will always remain the weak point, of the system inaugurated by Lord Cardwell in 1871. Nine-tenths of the complaints which are made against the modern system are made because people do not recollect how much the battalions at home have to perform. They have not only to maintain their efficiency as battalions, but also to discharge the functions of depôts. Everyone knows how unpleasant it is to allow good men to leave one battalion for others; but I hope there is public spirit enough in the Service to make people put aside private feeling and work cordially for the most satisfactory result, although it may not be always visible to them. I am anxious to show that there is no necessary connection between some of the evils of the transfer so much complained of and the system of double battalions. It has never been attempted to be proved that in the case of the Guards, or the Rifle Brigade, or the Artillery, for example, there was ever any difficulty found in recruiting on the ground that the men might be shifted from one battalion to another. At the same time, every effort should be made to save the men being shifted from battalion to battalion; in fact, the system ought to be used, but not abused. At this advanced hour, I must put aside the question as to regimental organization save so far as this—that I would ask my right hon. Friend whether he intends to fill up the additional majors to anything like the double or large company system? What I understand is this—that the appointment of majors now to take place is really more for the purposes of promotion than for any other reason. Practically, they will be so many brevet majorities. The majors will do garrison duty; but elsewhere, except on the march, will perform the ordinary duties of captains. But what I venture to ask my right hon. Friend to do, before he goes in the direction of creating larger companies, is to look at the evidence and opinions of officers of great distinction in our Service, who, with singular unanimity, recommended that for our Army the single company of 100 men should be maintained as a formation rather than the larger companies which are to be found in the Armies of foreign Powers. There is one other point on which I will touch very briefly. There has been, I believe, a complaint made in connection with the formation of territorial regiments that officers of Militia have been put to considerable and unnecessary expense. I did not gather from my right hon. Friend that he was prepared to allow those officers who had to change from silver to gold any allowance in respect to that change. If he does not, I hope my right hon. Friend will emphasize the fact that such officers may continue in their former dress as long as possible; because I know that, in such cases, pressure is brought to bear upon officers to change at once, which they find it very hard to resist. But I hope, under the circumstances, that my right hon. Friend will give a hint in the proper quarter in favour of an allowance being made. The recommendations of my Committee with respect to change of officers referred to the men rather than to the officers, and that in consequence of the difficulty which was being experienced when under the mobilization system the Militia were drafted off to the Line regiments. With respect to compulsory retirement, I would remind the House that when that system was adopted promotion absolutely ceased. To say that there shall be no compulsory retirement at all is no argument at all, but simply a begging of the whole question; for, from the moment when purchase was decided, compulsory retirement was only a matter of time. The officers of the Army laid their grievance before the Secretary of State, and two Commissions were appointed to inquire into the subject, and their Reports led to the step taken by the War Office in 1877. No one could, without regret, witness the necessity for the retirement of officers who desire to remain with their regiments; but it was seen that such retirement was necessary, and that the few should suffer for the many, however worthy the few might be. I must say that the parts of the scheme of my right hon. Friend which I approve least are those which refer to general officers; but I am content just now to ask the old question—"Why can you not let it alone?" There are other points as to which I would wish to say a few words, but time will not allow of my doing so. I hope my right hon. Friend will continue to give that cordial consideration to the suggestions which have been thrown out which he has hitherto done, and which, with the great attention he has devoted to the entire subject, has gained for him that meed of approval which has greeted him from all sides.

Mr. CHILDERS said, he was very much obliged to his right hon. and gallant Friend (Colonel Stanley) for the expressions he had just used in concluding his remarks; and also to the House for the manner in which the statement he (Mr. Childers) had had to make had been received. He could assure hon. Members that he was much obliged for the suggestions which had been made in the course of the debate. This was a question on which he might hope there were no political differences to affect their deliberations. He trusted the hon. and gallant Member who had moved the Amendment (Sir Alexander Gordon) would withdraw it before 7 o'clock, in order that at that Sitting the debate might be closed, so that the Government might fulfil their engagement with regard to the Evening Sitting. He could not accept the Amendment, because it would pledge the Government to the broad principle that no officer not absolutely inefficient could, under any circumstances, be compulsorily retired under 70 years of age. Such a rule would be fatal to any system of satisfactory promotion. They were bound to go on the lines of the system which had been adopted after much consideration in the case of the Navy. With respect to the suggestion of his noble Friend opposite (Lord Eustace Cecil), he assured him that he had not lost sight of the necessity with a shorter list of having additional safeguards in respect of selection, and he could say that in no case could any officer receive a second Staff appointment without the case previously coming under his own personal observation. His hon. and gallant Friend the Member for West Sussex (Sir Walter B. Barttelot) had stated that the men of the Reserve were starving all over the country; but his hon. and gallant Friend forgot that that was tested only a few weeks ago, when the Reserve men were called upon to join their regiments if they desired to do so. In answer to that call only 1,000 out of 20,000 men came forward to express their willingness to rejoin. Certainly, the number of men in the condition described could not have been large. His right hon. and gallant Friend who had just sat down (Colonel Stanley) had asked him whether non-commissioned officers could not be allowed to re-engage without veto or condition? He did not think it would be desirable to do away with the veto. Men, when originally made non-commissioned officers, might have had an excellent character in the Service, and yet be unsuitable ten years afterwards for nine years' further service as non-commissioned officers. Then the right hon. and gallant Gentleman had asked that the claims of quartermaster-sergeants might be considered. The Government had recently been dealing with the case of sergeant-majors, and he could only say that it was wise to take one thing at a time. When the promotion of sergeant-majors to warrant rank had been well tested, he would give the matter his future consideration. He had also been asked whether it was desirable to take advantage of the appointment of four majors per battalion, to introduce the double-company organization, so as to have four in a service battalion? There was a division of opinion on the subject, and he did not think it would be wise at present to meddle with existing arrangements. The time might come for it; but, at present, it was one of the questions on which they were not agreed. Had time allowed, he would gladly have answered other questions. He would, therefore, ask his hon. and gallant Friend at once to withdraw his Amendment.

Sir ALEXANDER GORDON said, that in consequence of the request of his right hon. Friend, but not in consequence of his arguments, he would consent to the withdrawal of his Amendment.

Lieut.-Colonel MILNE-HOME asked, whether Purchase officers after the 1st of July would be entitled at any time to sell the commissions they held on the 1st November, 1871, on the payment of the Government valuation?

Mr. CHILDERS: Their rights are not affected at all.

General BURNABY asked, whether there would be any further opportunity of discussing the question?

Mr. CHILDERS: Certainly. Once, if not twice, during the present Session there will be an opportunity on the Estimates.

Amendment and Motion, "That Mr. Speaker do now leave the Chair," by leave, *withdrawn.*

Committee to sit again *this day.*

And it being ten minutes to Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

ORDER OF THE DAY.

SUPPLY.—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

THE ANGLO-TURKISH CONVENTION.

MOTION FOR AN ADDRESS.

MR. RYLANDS, in rising to call attention to the Anglo-Turkish Convention; and to move—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there shall be laid before this House Copies of all Despatches and Papers on the subject of the Anglo-Turkish Convention which have passed between Her Majesty's Government, or Her Majesty's Ambassador at Constantinople, and the Turkish Government, and which have not already been laid before Parliament,"

said, that the Anglo-Turkish Convention was a remarkable instance of the exercise of the Treaty-making Prerogative of the Crown. In former Sessions he had called the attention of the House to the exercise of that Prerogative, and had urged upon the House the grounds which rendered it highly important and necessary that all Treaties should be submitted to Parliament before ratification. The Prime Minister had stated that, in practice, there was generally an interval between the conclusion of a Treaty and its ratification during which Parliament might interfere. The declaration of the right hon. Gentleman on this subject was highly important, and was contained in the speech which he made upon the Berlin Treaty on July 30th, 1878, when he said—

> "This House of Parliament may declare itself in decisive terms against any Treaty before ratification. The intervention of a Parliamentary Chamber, by well understood precedents, can stop the ratification of a Treaty. That is to say, the Government which chooses to stop the ratification of a Treaty, in consequence of such an intervention, is not liable to the charge of bad faith."—[3 *Hansard*, ccxlii. 713.]

The right hon. Gentleman, in justification of that statement, referred to the well-known precedent of the Right of Search Treaty which was entered into between England and France in 1841, but which met with so much opposition in the French Chambers that the ratification was not proceeded with. The Anglo-Turkish Convention, however, was not only negotiated in secret and completed in a clandestine manner, but it was ratified before Parliament had any knowledge of its existence, and it was, therefore, absolutely impossible for this House to interfere. The right hon. Gentleman had urged another justification for the existence of the Treaty-making Prerogative. He said that the power could only be exercised by the Crown under the advice of Ministers, and under the important limitation that Treaties so entered upon should be in accordance with public opinion and the known views of Parliament. But the Convention absolutely violated these recognized conditions. It had been denounced by the right hon. Gentleman himself as an "abuse" of the Treaty-making Prerogative. It was sprung upon Parliament, and, to the amazement of the public, it was found that, without any note of warning, the country had been involved in enormous responsibilities. It was a mockery and a delusion to say that Parliament held the purse-strings of the nation, if it could be committed by secret Treaties of that kind, ratified without its knowledge or sanction, to obligations which might entail the expenditure of vast sums of money. That Convention, which in its conception and birth bore all the marks of illegitimacy, still existed, and the position in which they were placed by it demanded the serious attention of the Government and of Parliament. It was at least satisfactory that the Liberal Party were perfectly free to re-consider the question. It was said, in reference to the annexation of the Transvaal, that the Liberal Party were committed to its approval by the declarations of Lord Kimberley in the House of Lords and the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) in this House. But no such allegation could be made in respect of the Anglo-Turkish Convention. The moment it was brought to the knowledge of the Liberal Party they denounced it. It was denounced by the right hon. Gentleman the Prime Minister in his Mid Lothian speeches. He said it was "an insane Convention." [Mr. GLADSTONE: I said it in this House.] The right hon. Gentleman had said it in that House. The noble Marquess who led the Liberal Party in that House in the last Parliament (the Marquess of Hartington) moved a Resolution condemning the heavy responsibilities and undefined engagements which this country had incurred under that Convention; and, in favour of that Resolution, the great body of the Liberal Members in the last House of Commons voted. Those "undefined engagements" and "heavy responsibilities" against which that protest was made still existed. The noble Marquess, in the powerful speech which he delivered on moving his Resolution, anticipated that the

> "Time for reflection would inevitably come when the country would retreat with honour while there was time from this false and ill-advised course."

The time for reflection had now come. The false glamour which surrounded Lord Beaconsfield's meretricious Eastern policy had passed away; and now, so far as the people of that country were concerned, they might appeal from "Philip drunk to Philip sober." Some hon. Gentlemen had said in reference to his Motion—"Why not let sleeping dogs lie?" But sleeping dogs had not unfrequently the habit of awakening at an inconvenient time. He did not believe in a drifting policy. The Government had allowed things to drift in the Transvaal; and, although he highly honoured the wise determination they had ultimately arrived at, still it could not be denied that the delay in making their decision had occasioned most deplorable results. At any moment serious events might arise in the East which might place us in circumstances of great difficulty under the Convention. Let him remind the House of their obligations and pledges. That country had undertaken the responsibility of the good government of Asia Minor, a country containing 660,000 square miles—a territory larger than France, Spain, Italy, and the British Islands put together—with a population of 16,000,000 or 17,000,000, under the worst possible government, overrun with predatory tribes, and inhabited by distinct races, divided by religious animosities. The scheme was so wild, so extravagant, so impossible, that people escaped from the Convention by saying it was so monstrous it must be treated as waste paper. But that was not a creditable position for a great Power like England. If they did not mean to keep their pledges, they ought to withdraw from them. But the Convention went still further. This country had assumed the Protectorate of Asia Minor. They had undertaken to defend the frontiers of Armenia from Russia. The late Government, under the Treaty of Berlin, recognized the possession by Russia of Kars, Batoum, and Ardahan, and thus having enormously increased the power of Russia on the Asiatic Frontier, and having given her a strong basis of operations for attacking Turkey, they had undertaken the impossible task of preventing her advance. Surely, that was the very insanity of statesmanship. There was no mistake as to the obligations entered into. The 1st Article of the Anglo-Turkish Convention was most explicit. It ran as follows:—

> "If Batoum, Ardahan, Kars, or any of them shall be retained by Russia, and if any attempt shall be made at any future time by Russia to take possession of any further territories of His Imperial Majesty the Sultan, in Asia, as fixed by the definitive Treaty of Peace, England engages to join his Imperial Majesty the Sultan in defending them by force of arms."

It has been said that this was merely a "sham" Convention; but that was not the opinion of the late Government, and he supposed was not now the opinion of the Conservative Party. On the 6th August, 1878, the right hon. Gentleman the Member for North Devon (Sir Stafford Northcote) said—

> "The Convention is a very real Convention, and it was adopted with the substantial intention of Her Majesty's Government to give, in a serious and solemn manner, effect, as far as they can do so, to the proposals of that Convention. No doubt we have taken a very serious liability by undertaking that we shall defend Turkey against the invasion of Russia."—[3 *Hansard*, ccxlii. 1368.]

The declarations of Lord Beaconsfield and Lord Salisbury left no doubt as to the meaning and intention of the Anglo-Turkish Convention. Lord Beaconsfield, in the House of Lords, on July 18, 1878, said—

"Yielding to Russia what she has obtained, we say to her, 'Thus far, and no further.'"—[3 *Hansard*, ccxli. 1772.]

Lord Salisbury justified the Convention by condemning the Tripartite Treaty and similar guarantees given by the Powers of Europe conjointly as being

"Misty and shadowy guarantees which bound you to everything in theory and which turned out in practice to bind you to nothing;"

and he claimed that the Government had

"Made a pledge which will be easily understood by those whom it concerns."

Lord Salisbury added that, while former pledges derived from the "concert of Europe" had misled "Turkey, and had been despised by Russia," they had adopted the

"Better and simpler form of engagement, in which, only two Powers being mixed up, there can be no doubt of the pledges being fulfilled."

It was argued that the Convention fell to the ground in consequence of Turkey not fulfilling her promises to adopt reforms; but, unless we explicitly withdrew from the Convention, he could not see that the plea for its nullification that Turkey had not redeemed those pledges could be maintained. No time was fixed for the carrying out of those reforms in Turkey. The Convention stated that—

"In return, His Imperial Majesty promises to England to introduce necessary reforms, to be agreed upon later between the two Powers, into the government, and for the protection of the Christian and other subjects of the Porte in these territories."

In Lord Salisbury's covering despatch, all that the British Government insisted upon was—

"That they should be formally assured of the intention of the Porte to introduce the necessary reforms."

And he significantly added that—

"It is not desirable to require more than an engagement in general terms."

Again, at a great meeting at Manchester, on October 17, 1879, Lord Salisbury said—

"What I think ought to be carefully considered by the English people is this—that however important it is that Turkey should be reformed, and although they will rightly require of their Government that every exertion should be made in order to carry these reforms into effect, the question of reformed or unreformed Turkey does not affect the necessity of keeping Russia from Constantinople and from the Ægean."

Lord Salisbury was now the recognized Leader of the Party opposite, and it was to be presumed that, on a change of Government, he might become Prime Minister. The House and the country, therefore, ought clearly to understand what his views were. The fact was, that the promises of Turkey were a mere secondary consideration. The late Government knew perfectly well what the promises of Turkey were worth. The undertaking to make reform was a mere shadowy engagement and a sham. But there was a real price insisted upon in return for their engagement to protect Turkey from Russia. They took Cyprus. In the Convention it was stipulated that—

"In order to enable England to make necessary provision for executing her engagement, His Imperial Majesty further consents to assign the Island of Cyprus to be occupied and administered by England."

The fact that Cyprus was now found to be a worthless possession did not alter the matter. It was the bribe we asked for, and it was now in our possession. No doubt, the return of Lord Salisbury from Berlin with the Cyprus Convention in his pocket, which he had purchased by involving England in great responsibilities, was very much like Moses Primrose returning home with a gross of green spectacles in exchange for his horse; but the bargain, however foolish, was actually made, and the House should realize the fact that the Convention actually existed and they might be called upon at any moment to fulfil the obligations they had incurred. If hon. Members had read the Blue Books on Armenia, they must have been horrified at the state of that country. The despatches were full of accounts of murders, robberies, and oppressions without redress. Criminals were protected by the ruling classes — the honour of Christian females was at the mercy of Mahommedan libertines, and taxation was only another name for plunder. All these horrors presented a great contrast to the state of things in Russian Armenia. There the population had exhibited during the past generation wonderful moral and intellectual progress, and had increased in numbers from 350,000 in 1830, to 800,000 at the present time. It could not be doubted that, unless reforms speedily took place in Turkish Armenia, the people would rise against their oppressors. The embers of conflagration were smouldering in that country and might burst forth into flame at any moment. They might talk about "Russian intrigues;" but it required no foreign influence to rouse into insurrection a people who were crushed by the intolerable cruelties of Turkish despotism. An insurrection in Armenia would be followed by Turkish atrocities. Armenia would become a second Bulgaria, and Russia would certainly advance into Turkey to protect the Armenian Christians. Turkey would then call upon England under the terms of the Convention to defend the territories of the Porte by force of arms. What should they do then? He did not for a moment suppose that the present Government would attempt to resist the advance of Russia by force of arms in order to fasten on the necks of the Armenians the cruel yoke of Turkey. It would be a folly and a crime. The Government would ignore this insane Convention; but they would again call down upon themselves a storm of obliquy. They would be charged with forfeiting the honour of England and the pledged word of the Queen. Probably, some hon. Member would say that they were again making the British Lion run away with his tail between his legs. [Mr. WARTON: Hear, hear!] He was bound to admit that such a position would not be exactly creditable in the eyes of Europe. It would be a far more prudent and honourable course to withdraw from the Convention explicitly, and to give Turkey full notice that their obligations under it had ceased. Government might already have taken that course. He asked for further Papers in the hopes that that might be so; but, at all events, the Papers already presented showed that the Government had acted exclusively under the 61st Article of the Treaty of Berlin and had apparently ignored the Anglo-Turkish Convention. He considered that that was a wise policy, and that the only safe course of dealing with Turkey was by maintaining the concert of Europe. But if they withdrew from the Anglo-Turkish Convention, what were they to do with Cyprus —that *damnosa hæreditas* from the Tory Government? Their title to Cyprus was bad—it was an infraction of the Public Law of Europe, which declared that no alteration in existing Treaties should be made by any Power except with the consent of the other contracting Powers. The late Government had violated these stipulations by the possession of Cyprus, which was an evil example to other Powers. How was it justified? Lord Salisbury, at Manchester, in October, 1879, gave the grounds of the policy of the late Government in taking Cyprus. He said—

> "The occupation of Cyprus was merely carrying out the traditionary policy of the English Government for a long time past. When the interest of Europe was centred in the conflicts that were waged in Spain, England occupied Gibraltar. When the interest was centred in the conflicts that were waged in Italy, England occupied Malta—and now that there is a chance that the interest of Europe may be centred in Asia Minor, or in Egypt, England has occupied Cyprus."

That had been truly called a "Bandit policy." That evil example was now being followed by France; because it could not be doubted that the present Tunisian question took its root in the action of the British Government in 1878. When the terms of the Anglo-Convention became known, they excited dissatisfaction and distrust in Europe. In France, especially, there was naturally much irritation, and on July 21, 1878, M. Waddington wrote a despatch, in which he spoke of the "outburst of surprise and uneasiness" which had been called forth in France. That despatch was concealed from Parliament for some months, and on August 1, 1878, the noble Lord the late Postmaster General (Lord John Manners) denied that there was any irritation in France, and declared that—

> "Not a cloud has arisen . . . . We have proceeded throughout these difficult and entangled negotiations in complete harmony with the French and Italian Governments."—[3 *Hansard*, ccxlii. 904.]

But it was well known that the French Press was loud in its denunciations of the Anglo-Turkish Convention. Suddenly the excitement was closed, and the diplomatic rupture avoided. They now knew how France was pacified. There was another clandestine engagement involving the honour of England. There was a secret conference between Lord Salisbury and M. Waddington, which suggested the idea of bandits meeting together dividing their spoil. M. Waddington naturally complained of the bad faith of England in taking Cyprus from Turkey. "Oh," Lord Salisbury, would reply—"that is easily arranged. Why not filch another slice of Turkish territory? Take Tunis." [*Laughter.*] That nefarious bargain was struck, and, when it oozed out, of course it was denied, in his usual manner, by Lord Salisbury. There was a despatch on August 7, 1878, to Sir Richard Wood, the Consul at Tunis, in which Lord Salisbury distinctly asserted that—

> "No offer of the annexation of Tunis to France has ever been made by Her Majesty's Government to the French Government."

There was a similar denial in that House by the right hon. Gentleman the late Under Secretary of State for Foreign Affairs (Mr. Bourke), who proved himself quite capable of supporting the line taken by his Chief. His (Mr. Rylands') hon. and gallant Friend the Member for Kincardine (Sir George Balfour) asked the Under Secretary of State for Foreign Affairs, on July 16, 1878—

> "To explain whether there are any grounds for the rumours about changes in the Mahommedan territories of Tunis and Tripoli as respects their transfer to Italy or France?"

The right hon. Gentleman (Mr. Bourke) replied—"No, Sir; we have not heard anything on the subject." Well, the matter had now been cleared up, and the House was in possession of evidence distinctly proving that the bargain was entered into. Hon. Gentlemen opposite laughed just now when he described the conversation which had probably taken place between M. Waddington and Lord Salisbury; but his description was fully justified by M. Waddington's account of the transaction. Immediately on returning to Paris from Berlin, M. Waddington placed on record an exact record of the conversation he had had with Lord Salisbury. It was contained in a despatch to the Marquess d'Harcourt, dated the 26th of July, 1878, and in it he said that Lord Salisbury,—

> "Anticipating of his own accord the feelings he supposed us to entertain, gave me to understand in the most friendly, and at the same time explicit language, that England had made up her mind to raise no obstacle against us in that quarter; that in his view it would be solely for ourselves to settle, as suited our convenience, the nature and extent of our relations with the Bey; and that the Queen's Government accepted beforehand all the consequences which the natural development of our policy might entail on the ultimate destiny of the Tunisian Territory. 'Do at Tunis what you think proper,' his Lordship said—'England will offer no opposition, and will respect your decisions.'"

[Sir. H. DRUMMOND WOLFF: Read the answer.] He would do so. It practically confirmed the accuracy of M. Waddington's statement, and was contained in a despatch from Lord Salisbury to Lord Lyons, dated the 7th of August, 1878, in which he said that he had made no note of what he described as the

> "Very satisfactory conversations which he had with M. Waddington at Berlin on the subject of Tunis;"

but that—

> "Without being able to confirm the exact phrases attributed to me, I have great pleasure in bearing witness to the general justice of his recollections."

The Conservative Government, at that time, evidently thought that they were in possession of a long lease of power, and might act as they thought proper on the subject of foreign affairs without fear of being called to account. He believed that there were other despatches in existence on the subject, and he challenged the Government to produce them. Why were they not produced? He supposed that it was because Lord Salisbury objected to their being laid on the Table. [Mr. A. J. BALFOUR: Oh, oh!] The hon. Member for Hertford disputed that statement. Let him stand up in his place, and say that his noble Relative was willing to have any further Papers produced. It was impossible to deny that the responsibility of the present state of things in Tunis belonged to the late Government. The bargain between Lord Salisbury and M. Waddington was now being carried out. There was no difficulty in France finding pretexts for a policy of aggression. He (Mr. Rylands) regretted the course which had been taken by France; but he could not understand the outcry made by Conservative Members at each stage of the development of the French policy of annexation of Tunis, when they knew that their Leaders had positively committed the British Government to acquiescence in the designs of France. But how, he asked, while we retained possession of Cyprus, could the British Government protest with any degree of consistency against the action of the French Government with regard to Tunis? While we held Cyprus our hands were not clean. That view was put forward by M. Barthélemy St.

Hilaire in a despatch to Lord Lyons dated the 16th of May, 1881, in which he said—

> "It is quite evident that, just as the English Government, when it has assumed the responsibility of the administration of foreign countries, has considered that it was bound to alter the existing state of things, and to procure for the population of which it assumed the guardianship the advantage of a civilized and regular Government, so also France, in whose hands the superintendence of affairs in Tunis is now placed, cannot shirk the duty of inviting that country to share the benefits which our administration has already conferred upon Algeria."

The possession of Cyprus under the present title was altogether unjustifiable. It weakened the moral power of England in the Councils of Europe, and gave the sanction of their example to a policy of aggression. Its possession was further objectionable, because it was weighted with such heavy obligations, and because, under the present tenure, it was quite impossible to administer the Island satisfactorily. It was still Turkish territory under the suzerainty of the Porte. They were the tax-gatherers of the Sultan; and the uncertainty of the tenure of the Island necessarily interfered with the investment of capital upon it. The Under Secretary of State for the Colonies had laid Papers on the Table which would, no doubt, throw much light on the condition of the Island; but they were not yet in the hands of hon. Members. The local newspapers published in Cyprus were full of complaints of its administration. The people complained of the heavy taxation now levied in a manner injurious to industry. There was an enormous expenditure in salaries of local officials, &c., amounting to £75,000 a-year, in addition to the £100,000 paid to the Sultan. Complaints were also made of the constitution of the Courts of Justice, and of the Legislative Council, and of the denial of municipal privileges; and generally it was said that—

> "The people could not see any great difference between the present joint-stock proprietorship with Turkey and the original Turkish misrule."

The present Government had wisely and boldly reversed the dangerous and criminal policy of their Predecessors in Afghanistan and South Africa, and it now remained for them to carry out the principles avowed by the Prime Minister by withdrawing from the Anglo-Turkish Convention, which was a danger to British interests, and an evil example to the European Powers. He begged, in conclusion, to make the Motion of which he had given Notice.

MR. BAXTER, in seconding the Motion, said: The last time, Sir, I ventured to address the House of Commons on foreign affairs—and I have too much respect for the time of this House to address it often on any question—was in June, 1875, when, returning from a protracted tour in the East, I thought it my duty to tell my fellow-countrymen that the Party that used formerly to believe in the possible regeneration of Turkey had entirely disappeared, and that men of all nationalities, of all religious creeds, and of all political principles universally believed that the last hour of Turkey was very nearly come, and that nothing could save her. On that occasion I warned the House, and told it to be prepared for three things—first, the revolt and the separation from Turkey of some of her finest Provinces; secondly, the massacres that astonished Europe; and, lastly, the total collapse of Turkish finance. Well, many Turkish bondholders were very angry at what they were pleased to call my wild statement—namely, that no Turkish bondholder would receive a shilling, either of principal or interest; and I am sorry to say that the speech I made then in this House was received with so much discouragement and incredulity both here and elsewhere that I felt rather chapfallen, although some months afterwards I had the satisfaction of receiving several letters from gentlemen who acted upon my humble warning, and who saved themselves from ruin by selling all their Turkish investments. A great deal has happened since. A great warning has been given to the public of this country in regard to the true condition of the Ottoman Empire, and we hear very little from our Friends on the other side of the House of the "independence and integrity" of our ancient Ally. But, Sir, it is because I believe that no one, or very few, at all events, actually realize at present the rotten condition of the Turkish Empire; because I believe, if they have made themselves acquainted with its present condition, they must allow that it is a great deal worse than it was six years ago, rendering any alliance, political, financial, or otherwise between us and the Porte to be eminently foolish and dangerous—that I desire, in seconding the Motion of my hon. Friend, to say a few words more on the subject. I do not think any hon. Gentleman who has read the recent Blue Books on the question, and that very remarkable despatch written by Sir Henry Layard just before he left Constantinople, in which he conclusively showed the utter impossibility of doing anything to regenerate Turkey, will be surprised to hear my statement that, without exception, every recent traveller to the East has bore this testimony—that the Empire throughout is thoroughly rotten. Mahomedans and Christians alike in every part of the Empire are every day becoming more dissatisfied and exasperated against the Central Government. We are told—and I believe it is true—that of the vast armies that were raised in Asia Minor for the late war, not one man in 10 returned to his home. In consequence of that, large tracts of land are going out of cultivation, mosques are falling out of repair, whole districts are relapsing into a state of absolute lawlessness; and all travellers bear witness to this, that all portions of the population, from the mountains of Armenia to the shores of the Persian Gulf, are prepared to welcome any Power that will deliver them from the yoke of their hated Rulers. I have no doubt that many hon. Gentlemen present have read the two delightful books recently published by Lady Anne Blunt, who tells us *passim* of what she calls "the abominable conduct of the Turks." Let me read two sentences from *The Bedouin Tribes of the Euphrates*—

> "The Turkish Government has never sanctioned any other system of administration in Arabia than one of oppression towards the weak, and deceit towards the strong. But for my part I do not believe in the regeneration of Turkey, or even in the maintenance of its military power for any length of time."

To this I would add the testimony of Mr. Oliphant, in *The Land of Gilead*—

> "Both Moslems and Christians, not unnaturally, entertain a most profound dislike of their Turkish masters, considering how they squeeze for taxes; and while the former are loyal to the Sultan, as head of their religion, they are utterly devoid of any patriotic instinct, and would gladly welcome a change of rule which would bring with it greater security for life and property. The late war, and wholesale conscription incidental to it, has increased this feeling, while it has largely contributed to the poverty and distress of the people."

And this year there has been published a most interesting book of travels in Asia Minor by the Rev. Henry Tozer, in which he bears this testimony—

> "The whole population was now thoroughly disgusted with the Government, so much so that all of them, the Turks included, would gladly welcome any European Power that would step in. Towards Russia, in particular, there was an excellent feeling, mainly owing to the favourable treatment of the Turkish prisoners during their detention in that country. Those who returned said—'The Russians fed us well, and gave us good clothes and boots. They are the very people to suit us as Governors.' Were it not for a long-standing feeling of goodwill towards England, they would all go over to the side of Russia. The opinion prevailed that the present *régime* was intolerable. On this subject there was no difference — Mahomedans and Christians, natives and foreign residents, all thought alike. The one thing that every person was inquiring for was some Power that might replace it. From all that we could learn the normal condition of the Christians in this neighbourhood (in Armenia) was very bad—nor did there seem to be much loyalty among the Turks, though there is no openly-declared disaffection as there is in Asia Minor. The troops in Erzeroum had received no pay for four years, and nothing but loyalty to the Sultan and devotion to their religion kept them from mutinying; even so, it was a question how long their allegiance would continue."

Well, Sir, this is the state of the nation with which we have entered into a defensive alliance; and this is the condition of those territories in Asia of His Imperial Majesty the Sultan, which it is the object of the Anglo-Turkish Convention to secure to him for the future. Now, I put it to a British House of Commons that this is a situation full of peril to this country. I know very well that Lord Salisbury, when the Convention was made, said he believed the very idea—the very fact—of Great Britain having come under such an obligation would prevent any attempt at territorial aggrandizement on the part of Russia, and that we never should be called upon to resort to arms. There are others of a different—I might say, an opposite—school, who urge that we need not attach importance to this Convention, which had no real meaning, but was merely intended as a cloak and a cover for the Schouvaloff Capitulation, and might be considered quite in the light of a dropped order. To my mind, this is not a safe line to take. It is no purpose of mine to re-open a former controversy by denouncing the mode and manner in which this Convention was secretly negotiated; but I do think, in the words of the Resolution moved in 1878 by the noble Marquess the Secretary of State for India, "that the liabilities of this country have, by the Convention, been unnecessarily extended." We have incurred an enormous liability and an immense military responsibility. We have put ourselves in a position to be forced at any moment, either by Russia or by Turkey, at a time it may be most inconvenient to us, but whenever they please, to defend an Empire, not only in Asia Minor, but in Syria, Mesopotamia, and Turkish Arabia, the state of which its Rulers are deliberately allowing to get worse, relying upon our guarantee. Why, Sir, I put it strongly—that, in this matter, we have practised a deceit and a delusion upon the people of this country and upon the other Powers of Europe. Is there any man present who will tell me that we have an Army sufficient to do anything of the kind? There are no roads or means of communication in the Asiatic Dominions of Turkey to enable our Armies to march; and you may depend upon it that, considering the extent of our Empire at the present moment, the people of this country would never tolerate any Ministry, whether on this or the other side of the House, engaging in such a mad and Quixotic crusade. Now, I venture to ask Her Majesty's Government, who have been, in my opinion, very wise and very courageous in regard to Candahar and the Transvaal, to pluck up a little more courage and take advantage of the earliest possible opportunity of that clause in the Treaty which pledges the Turks to execute certain necessary reforms, in order to give notice to put an end to this wild and insane Convention. Very eloquent speeches were made by occupants of the present Treasury Bench in 1878. I thought they were unanswerable. But there is a great difficulty in the way. In Cyprus we have got a sort of white elephant; but there are surely brains and ingenuity enough on the Treasury Bench to get out of that difficulty. When it is a question of money, Turkey is very easily dealt with; and I do not think it would be very difficult to buy out Turkish rights. We might communicate with Greece; and the feeling in Larnaca is unanimously in favour of annexation to Greece. It is not for me to tell how it can be done. All I have got to say is, "Where there's a will there's a way." I am quite sure that the great majority that placed the Prime Minister in power expects him, at the earliest opportunity, to get this country out of the engagement which necessitates our defending, at all hazards, one of the most corrupt Governments on the face of the earth. I want to say a word or two on another branch of the question. The Liberal Party, I think, are entirely satisfied with the energetic and wise action which the Government have taken in regard to the Frontiers of Greece and Montenegro. We are glad the Government we placed in power should have acted in such an energetic and wise manner in regard to these matters, and I only hope they will be equally as persevering and resolute in their endeavours to do something with regard to the claims of Armenia. The Treaty of Berlin, which I have always held strongly to be a step in the right direction, and therefore worthy of energetic support, did not forget that interesting people, who, I have no doubt, will exercise a great influence in determining the future of the East. The American missionaries, who are better acquainted with the state of matters in these countries than any other body of men, and who, I may say in passing, are doing more for the enlightenment of the East than all other agencies combined, have a firm belief in the intelligence and destiny of that people who at present have fixed their hopes on England seeing justice done to them in accordance with the 61st Article of the Treaty of Berlin. At present their condition and sufferings are worse than before the war; and what they earnestly desire is that they should be placed very much in the same position as the inhabitants of the Lebanon, with a Christian Governor, a local military force, exemption from the hateful presence of Zaptiehs and Bashi-Bazouks, and the right of spending the taxes which they pay in the improvement, for the most part, of their own Province. Nothing could have been more successful than the trial of local autonomy, under the auspices of England and France, in Syria; and I never was so much struck with a contrast in my life as that between the miserable cultivation, wretched poverty, depopulation, and apparent sterility of the Turkish pashaliks adjoining the Lebanon, and the evident and cheering prosperity, the well-tilled fields, the comfortable look of the inhabitants of that comparatively fortunate region. Now, if Her Majesty's Government, with the conjunction of the other European Powers, can manage to obtain for Armenia what has been given to the inhabitants of Lebanon, they will, I believe, do a great deal in favour of the freedom of the Eastern population. Before I sit down, I wish to express my satisfaction that the ridiculous Russian bugbear has come to be regarded in its true light. When one considers what has recently taken place there—the prospect of anarchy in that great Empire—the absurdity of any danger to this great, free, and independent people, either in India or in the Mediterranean, from an Empire with a Frontier far too extended, with a crippled finance, discontented population, and an Army which I do not believe to be in a condition capable of fighting an Army like our own, and a Navy, the state of which is not to be talked of by any intelligent person—I hope, considering these things, we have really heard the last of that which has always appeared to me to be unworthy of a great maritime Power like England, and of all sensible and enlightened men. One of the most profound observers and shrewd thinkers in America thus writes—

> "The same suspicion has involved England in this wasteful and deplorable antagonism to Russia on the Eastern Question. This antagonism arrays her against the progress of Christian civilization, and allies her to the most paralyzing despotism in the world. It belies and degrades the great position she claims as the van leader of free nations and the institutions of freedom."

I rejoice to think that the day for cherishing that phantasy is nearly, if not quite, gone by; and that in the consideration of the Eastern Question we shall be able in the future to deal with it without reference to apprehensions which are utterly unworthy of a great and free nation.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there shall be laid before this House, Copies of all Despatches and Paper on the subject of the Anglo-Turkish Convention which have passed between Her Majesty's Government, or Her Majesty's Ambassador at Constantinople, and the Turkish Government, and which have not already been laid before Parliament,"—(*Mr. Rylands,*)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR H. DRUMMOND WOLFF said, that however much hon. Gentlemen opposite might condemn the Ango-Turkish Convention, he wished to point out that it had been approved by the country—["No!" *from the Radical Members*]—well, by the late Parliament. He would even say by the late Government; but they had approved it honestly, and he was glad to find that there was no intention on the part of hon. Members opposite to interfere with the authority of the Crown to make Treaties. It was only right that there should be a solidarity between one Parliament and another, and that an incoming Government should not proceed immediately to reverse the foreign policy of its Predecessor. He wished to point out that under the terms of the Convention this country was not responsible for the government of Asia Minor, the Articles of that Convention merely insisting upon the introduction of certain reforms in the government of that portion of the Turkish Empire. An Armenian gentleman had told him at the time that this Convention was made that Cyprus would be of great advantage to England, because we should be able to get recruits from Asia Minor in the event of an attack being made upon India. The Convention was only part of a series of arrangements which were come to; and, rightly or wrongly, it was the opinion of the country at the time—[*Cries of* "No, no!"]—he did not wish to quibble about terms—at any rate, it was the opinion of Parliament and the late Government that it was necessary for us to enter into strict relations with Turkey, in order to preserve our prestige in the East, our influence with the Mahomedans in India, and even the preservation of our Indian Empire. The right hon. Gentleman (Mr. Baxter) was perfectly consistent in proposing that we should give up Cyprus; but he (Sir H. Drummond Wolff) thought that would not be judicious, for it would be departing from a Treaty which had not yet been fully tried; and he did not think it was seriously intended that we should give back that Island to the bad government from which we had rescued it, and which the right hon. Gentleman so much deplored. It had been suggested that we should give it to Greece; but nothing could be worse for Greece at the present moment than that she should have an addition made to her territory in the shape of islands, which would inevitably vote solid in their own interests in her Assembly. It would be found to be impossible to pit the comparatively weak Greek nation against the Slavs in the East; and if a Byzantine Empire were attempted to be set up, it would only be maintained by intrigue. He could see no analogy between our occupation of Cyprus and the recent proceedings of the French in Tunis. It was said that France had shown great susceptibility in consequence of the Anglo-Turkish Convention; but what had France done herself in the matter of Algeria? Again, did not France annex Savoy and Nice? What was the feeling of this country on that occasion? But for the Commercial Treaty at that moment the two countries would have drifted into war. The annexation of Tunis by France, to which the hon. Member for Burnley (Mr. Rylands) had referred, was totally distinct from the taking of the possession of Cyprus by this country. England did not take possession of Cyprus by anything like violence, but by a peaceable Treaty with the Sultan, who was the Sovereign of his country—who had a perfect right to dispose of his own territory, and to give us the administration of the Island. But the case of Tunis was not like Cyprus. There was a large colony of British and other subjects there; the Natives were subjects of the Porte, and, as long as they were on Turkish territory, were bound by the Turkish law; and he considered it a very strong measure on the part of France that the Mussulman population was to be transferred from its allegiance to the Sultan to that of the French Consul who might happen to reside in the country. But France undertook not to annex it. He should like to ask the Under Secretary of State this question—What was the position of M. Roustan in Tunis? Was he Consul or Minister of France, or the Minister of Tunis? And if he filled both capacities, how could he perform the inconsistent duties? He had heard of some chess-players who could play the left hand against the right, and M. Roustan, he supposed, was supposed to perform a similar task. They had read an account of the conflicts between the French and the Italians in Tunis—who was to decide these questions? As was said to Count Andrassy with reference to the occupation of Bosnia and Herzegovina, it was annexation very badly disguised; so it might be said to France with reference to Tunis—it was annexation badly disguised. He perfectly agreed with the Government and Lord Salisbury, that we ought not to oppose ourselves to the fair extension of the influences of France in Tunis; but it must be on a fair basis. We must know how we stood with regard to France—whether we were dealing with the Minister of France, or whether we must go to the French Government to ratify or repudiate the acts of their Agent in Tunis. The right hon. Member who had just sat down had referred to the Anglo-Turkish Convention; but he said the Government had acted wisely in not in any way endeavouring to obtain reforms in Asia Minor, except with the concert of Europe. They had often heard of the concert of Europe. It formed the staple of the speeches which the Prime Minister had made in the country. The Naval Demonstration, it was said, was intended to carry out the Treaty of Berlin; but the instructions given to Admiral Seymour were model instructions, and the concert of the Powers might be measured by the resolution of France not to let her guns be charged, and by Germany sending only one ship to the political pic-nic, to be followed by a little filibustering, just as a physician might send his carriage to the funeral of a disagreeable patient. He asked Ministers what single provision of the Treaty of Berlin had been carried out except that which had been effected, not by the occupants of the Treasury Bench, but by the skill of the right hon. Gentleman the Member for Ripon (Mr. Goschen)? ["Hear, hear!"] He was glad he had said something to please the Government. It was always his object to do so, though he did not always succeed. He repeated that nothing had been done to carry out the Treaty of Berlin but what had been effected by the skill of the right hon. Member for Ripon. That was the increase of the territory of Greece; and that was really what the Turks would have done without any Conference of Berlin. The cession of Dulcigno was no carrying out of the Treaty. Dulcigno was given up to Montenegro; but it was not included in that instrument. Turkey had determined not to give up certain strategical points, and they had not been given up. What had the Powers done to carry out the Treaty of Berlin? Bulgaria and Macedonia were at that moment in a state of anarchy; and the same might almost be said of nearly all European Turkey. The Powers had done nothing to adjust the debts of Turkey, or to apportion the burdens to be borne by the tributary States, or to assist Turkey in the introduction of reforms in Armenia or elsewhere; and Macedonia and nearly all European Turkey was at present without any settled government at all. Everywhere, indeed, Her Majesty's Government had so mismanaged matters as, more or less, to receive rebuffs from those who ought to have been their Allies. They had alienated Turkey, deceived Greece, and betrayed Italy. Germany and Austria refused to co-operate with them in carrying out the Treaty of Berlin, and the latter Power had entered into an understanding with Servia which would place our iron trade in the Balkan Peninsula under great disadvantages. In short, the whole policy of Her Majesty's Government had tended to encourage Protection in other countries, and had been a panorama of failure.

MR. ARTHUR ARNOLD, who had given Notice of his desire to amend the Motion by moving for Correspondence and Papers relative to the navigation of the Euphrates, the Tigris, and the Karun rivers, said, that his hon. Friends had scarcely done justice to the fact that the Anglo-Turkish Convention was at present practically inoperative owing to the neglect by Turkey of the condition upon which it was made. That Convention was founded in duplicity and in geographical error. It was strangely entangled at the Berlin Congress with the question of Tunis and Tripoli; and as for the geographical question, it would be remembered that, according to Lord Beaconsfield's statement at the Guildhall, the Convention was to secure the Passes of Asia Minor against Russia. The noble Lord added, as a matter of certainty, that Erzeroum would be the scene of the strongest fortification in Western Asia. No one in authority had ever followed the noble Lord in the error of supposing that Russia would abandon her base upon the Caspian, which was 800 miles nearer to India. That error was appreciated by those who knew anything of the country as soon as it was uttered, and nothing had been done at Erzeroum. The speech just made was the most discursive he had ever heard, and he was puzzled to know how it could be connected with the Anglo-Turkish Convention. Although he felt a deep interest in the affairs of Greece, he could not understand how he could drag them into a debate concerning the Convention; but if he had been a Member to whom the reputation of the British Plenipotentiaries at the Berlin Congress was especially dear, if he had mentioned Greece he would have set himself to explain how it was that the Congress of Berlin adjourned the claims of Greece on July 4th, the very day of the ratification of the annexe to the Convention, which had always seemed like a deliberate bartering of the claims of Greece for the possession of Cyprus. He would also have attempted to excuse —it did not admit of explanation—the plain connection between the high-handed policy of France in Tunis and the intimation which it was well understood had been given to Italy to occupy Tripoli in reference to the entry of France into Tunis. The very compromising reply given by the hon. Baronet the Under Secretary of State to a Question he (Mr. Arnold) had himself put on the subject led the Press of this country to infer that a record was extant at the Foreign Office of a conversation of Lord Salisbury with reference to the entry of Italy into Tripoli; and when the compromising reply of the Under Secretary of State was not followed by an explanation in "another place," he felt it his duty to put a Motion on the Paper for the production of the record. With regard, however, to the Convention, the present Prime Minister, on May 28th of last year, described it as an instrument under which, whatever he might think of the policy which led to its conclusion or of its character in other respects, they were not free. That admission involved a very onerous and important responsibility, which, however, was conditional upon Turkish reforms. Well, what was the fact? The misgovernment of the territory in question had increased since the passing of that Convention. Reporting on the administrations of justice in Anatolia at the end of last June, Consul General Wilson informed Mr. Goschen that "crime went unpunished, and all manner of oppression and injustice was committed with impunity." Such was the administration of justice in a territory concerning which they were not free, and in regard to which the Sultan had promised the establishment of the most beneficial reforms. By the Treaty of Berlin, the Sultan was pledged to the Powers to improve the condition of the Armenians. But of the Christians of Western Asia, Consul General Wilson, in the same Report, stated that, "though Christian evidence may be received, no weight is attached to it." The scale of Turkish justice had fallen so low that one Turkish Cadi, Colonel Wilson said, had been bribed with 2½*d.* in *caimé.* He desired to make a few practical observations regarding the great Valley of the Tigris and the Euphrates, with a view to the benefit of the people of that country and the commerce of England. Major Trotter reported from Diarbekir to the Foreign Office that, in three weeks of last year, the Kurds from certain villages near the Tigris had seized and plundered about 30 rafts, and that of 200 rafts which left Diarbekir in three weeks, not more than five or six had succeeded in reaching Djezirah. In such circumstances there was, of course, practically an end to trade and enterprize. From Armenia, from Bagdad, and even from Bussorah, the accounts were the same. The condition of the people was pitiable; the government never was, and could hardly be, worse; and the people, suffering constantly from violence and famine, were naturally now menaced with pestilence. The country to which he was referring was large, healthy, and fertile; it extended partly into Persia, and was inhabited by Tribes owing such slender allegiance to the Sultan, that Sir Lewis Pelly, when Governor at the Persian Gulf, reported to the Bombay Government that their allegiance was like the regard which Englishmen paid to the Thirty-Nine Articles of the Church, which, he said, all accepted, but none remembered. Now, he wished to obtain the support of the House in pressing upon the Government certain considerations which he felt sure must tend to the better government and to the material welfare of this important territory. He wished to secure through Her Majesty's Government free navigation of the rivers in question, and for that purpose the Anglo-Turkish Convention was by no means necessary. He asked the House to consider what was the nature and extent of the vast area of country to which the widest designation of the Valley of the Euphrates and the Tigris had reference. It included the best part of Asiatic Turkey, together with a large portion of Persia. It was a region abounding with natural wealth, capable of maintaining a population 10 or 20 times the number of those who now, with unnecessary wretchedness, were its inhabitants, lacking especially the means of intercommunication for the distribution of seed and food, for the export of commodities, and for the import of English and other foreign manufactures. In one part of this vast area, Major Napier, a distinguished Indian officer, found good wheat selling at a price equal to 5*s.* a-quarter. The country yielded corn, cotton, wool, and other produce in abundance where any effort was made; and the whole of this vast area tended naturally to one point, and that was a point at which the power of this country was and must remain indisputable—he meant the mouth of the Tigris and the Euphrates in the Persian Gulf. Sir Henry Layard advised the late Government to occupy the junction of the two rivers instead of Cyprus. When the Anglo-Turkish Convention was concluded, a great deal of nonsense was current concerning Russian armies which were to advance to attack India by the Valley of the Euphrates. The idea was absurd, because the Persian Gulf was as completely dominated by British authority as the Caspian Sea was by Russian authority. Between the head of the Persian Gulf and the first port of India, which was Kurrachee, there were more than 1,200 miles of salt water; and while England was the greatest of naval Powers in the waters of India, the Valley of the Euphrates could be of no use whatever to a Russian force contemplating the invasion of India. There had been proposals before the House for constructing a railway along the Valley of the Euphrates, or the Tigris, to India. But it would require a large amount of capital, and, for his own part, he was not surprised that these schemes had not passed beyond what he might call the paper-and-promoter stage. But even if it were constructed, many years must elapse before it could possibly repay the expenses of the permanent way. His proposals were much less ambitious; they made no impossible, not even any difficult, demand, and they had this merit, that failure was in their case impossible. He wished to promote the reform of Western Asia, not by any exclusive Conventions, by no military or costly machinery, but by the agency of commerce. His object was to obtain, not for England only, but for the trade of all countries, the free navigation of the great rivers of Western Asia. He was sure that some hon. Members who had not considered the subject would be surprised to learn that the Tigris was navigable for 600 miles from the Persian Gulf by steamers such as would carry 60 tons of cargo with a draft of less than 3 feet. The point of navigation in the Tigris at this limit would be the town of Mosul, and he had little doubt that steamboats of lighter draft could ascend at any time of the year 250 miles further, to Diarbekir. On the Euphrates it was certain that a steamboat of that draft and construction could pass up the stream 800 miles from the Persian Gulf to the town of Balis, from which the distance to the Mediterranean was not more than 150 miles. Now, his request to Her Majesty's Government was that they would obtain from the Turkish Government the free navigation of those rivers; that the Euphrates and the Tigris should be as free to English vessels as the Thames was to Turkish vessels; and that they would induce the Turkish Government to maintain and protect that navigation as we maintained and protected the navigation of the Thames. The proposition seemed so simple, the benefits which must result were so self-evident, that the House would, he thought, hear with some astonishment that the Turkish Government had been and was tiresome in the hindrances by which it impeded even the partial navigation of the Tigris as high as Bagdad. There were now two steamboats on the Tigris belonging to an English Company, which received a postal subsidy of about £3,000 a-year from the Indian Government. The Turkish Government would not permit the Company to increase the number of boats, nor to carry on commerce North of Bagdad. In 1879 the Company sent out two steel lighters, capable of carrying 200 tons of cargo with less than 2 feet draft of water, which could be towed up the stream when occasion should require in the lowest seasons. When there was lately a terrible scarcity of grain in that part of Asia, and in every direction people were dying of famine, the Turkish Government, which had forbidden the movement of these barges, allowed them to ascend the river loaded with grain; and on the day they commenced to run, he was informed that the price of corn in Bagdad fell by nearly as much as 150 per cent. If the navigation of the Tigris had been free, and organized as it would soon be if it were free, the best possible means to avert famine would have been taken. He begged the consideration of the House to the fact, and he was sure the right hon. Gentleman the Member for Ripon (Mr. Goschen) would confirm it, that the danger of famine would be to a great extent removed from that country if the Turkish Government would cease to oppose the free navigation of these rivers. When the first pressure of the famine ceased, the Turks stopped those steel barges; and he believed they were now lying idle, because of the perverse stupidity of the Turkish Government, which thus cruelly withheld from the people of Western Asia the most ready and the greatest advantage which was within their reach. The engineer to the Euphrates and Tigris Steam Navigation Company passed up the Euphrates to Balis, 800 miles from the Persian Gulf, in a steamboat 120 feet in length, 20 feet beam, and drawing 33 inches of water. The city of Bagdad, on the Tigris, was joined with the Euphrates at Feluja by a navigable canal, and from Feluja this engineer passed up to Balis at a time when the river was 12 feet below the usual level; and that gentleman reported that, with a small expenditure for removing obstructions—

> "The navigation of the Euphrates at all times of the year by suitable steamers of light draft and good power is a matter of absolute certainty."

At Balis, 800 miles from the outfall, the bed of the Euphrates was 628 feet above the Mediterranean, and was 300 yards wide, and had a fall, which for navigation was perfection, of about 6 inches per mile. The navigation of the Tigris also up to Mosul presented absolutely no difficulties whatever. There was absolutely nothing but the prejudice of the Turkish Government to overcome; and that ought not to be difficult, when Englishmen asked for no exclusive rights, and when the free navigation would prevent famine, would create wealth, and would smooth the path of suitable reforms. But there was a third river connected with those, and emptying itself by the same mouth, upon which it was his earnest desire, for the welfare of the Native people, of whom he had seen a good deal, and for the commerce of this country, to obtain free navigation, and that was the Karun, the only navigable river in the Persian Empire which flowed into the channel of the Tigris and Euphrates, near Bussorah. There was not a more important, a more beneficial work lying to the hand of the British Government in Asia than this. He asked for Papers relative also to the navigation of this river; and while he should be grateful for any Papers which his hon. Friend the Under Secretary of State might feel at liberty to produce, he wished the House distinctly to understand that the State Paper of which he most desired the production was that important document which was referred to in the Minute of the Government of India, dated January 7, 1880. He was informed, upon unquestionable authority, that that State Paper, which was, in fact, a draft Convention, provided for the free navigation of the Karun river. He wished only to add one or two facts, which would show how large and how direct were the interests of this country in the free navigation of these three rivers. He was confident upon two points—first, that the Persian Gulf afforded the most secure, the most economic, and the most advantageous basis for our trade with Western and Central Asia; and, secondly, that the import of British goods, which in that part of the world chiefly consist of Manchester goods, would soon be trebled if we could obtain the free navigation of these rivers. From that, hon. Members would see its great advantages to the languishing trade of this country. The economy of this route was shown by the fact that tobacco from Ispahan, which used to pass through Bagdad to Damascus, now passed by the Persian Gulf and the Suez Canal. He knew of no part of the world in which commerce had shown such capacity for increase. In 1860, before the opening of the navigation of the Tigris, even so far as Bagdad, the tonnage arriving in the Persian Gulf from all places did not amount to more than 10,000 tons. Now a steamer tonnage of not less than 150,000 tons annually visited the single port of Bussorah. Then, the British duty on fruit was prohibitive of the import of dates, of which the best the world afforded were grown in great profusion in that region. The further development of trade was checked by the inadequate means of transit upon these great and natural highways of Western Asia, and he trusted that Her Majesty's Government would make strenuous and incessant efforts to obtain the free navigation of these rivers; and, if he were able to do so, he should move for correspondence relative to the Euphrates, the Tigris, and the Karun rivers.

Sir CHARLES W. DILKE said, he wished, in the first place, to say what the course of Her Majesty's Government would be with regard to the Amendment before the House. In the Amendment his hon. Friend the Member for Burnley (Mr. Rylands) asked for the Papers on the subject of the Anglo-Turkish Convention which had passed between Her Majesty's Government, or Her Majesty's Ambassador at Constantinople and the Turkish Government, and which had not been already laid before Parliament. The Government would have to meet that Motion by voting for Supply, for this reason, if for no other, that no such Papers were in existence. No Papers had passed between ourselves and the Turkish Government on the subject of the Convention. At any rate, there were no such Papers as were implied by the terms of the Motion. With regard to the proposed Amendment of his hon. Friend who had just sat down (Mr. Arnold), and who asked for Copies of Correspondence and Papers relating to the navigation of the Euphrates, Tigris, and Karun rivers, he had to say that there were Papers of considerable interest as to the Euphrates and Tigris; but they were not such as could be laid before the House at present, although he hoped they might be laid before it ultimately. There were also Papers as to the Karun, from which it appeared very plainly that the Persian Government would not be willing to grant the free navigation of that river; but those documents were so confidential, that he thought it would not be desirable to lay them before the House. He would now address himself to the speeches that had been made, and in doing so he would have to apologize for being discursive, though the debate itself had been as discursive as any he had ever known, for it had wandered over the whole field of the Eastern Question. References had been made not only to Cyprus and the Convention, but also to the navigation of rivers in Persia, the affairs of Bulgaria, the Dulcigno settlement, and other matters into which it would be his duty, though to a certain extent under protest, to follow hon. Members. He was himself disposed to agree with a large portion of the remarks of the hon. Member for Burnley, who had said that the Convention was one of a peculiarly onerous kind, because it bound us to defend the possessions of Turkey, not only in Asia Minor, but also in Arabia. Hon. Members who had spoken of the present condition of the territories that were the subject of that arrangement had concurred in stating that no progress had been made by the Turkish Government in the introduction of reforms, and his right hon. Friend opposite (Mr. Bourke) had cheered the statement of the right hon. Member for Montrose (Mr. Baxter) that in Armenia the people longed for the coming of some foreign Power; but he (Sir Charles W. Dilke) did not suppose that that cheer meant that his right hon. Friend would wish to see Russia in Armenia. Presumably, therefore, his right hon. Friend cheered that remark because he thought the Armenians would like to see England there. However, the interpretation of the reforms stipulated for by the Convention was of a much more limited nature, and meant, according to Lord Salisbury's view, little more than the appointment of a few gendarmes. The hon. Member for Portsmouth (Sir H. Drummond Wolff) said that the late Government, before they left Office, had begun to try to carry out the obligations of the Convention. He presumed the hon. Member meant that the late Government had endeavoured to induce the Turkish Government to carry out those obligations—namely, to introduce reforms in the administration of Asia Minor. The hon. Member, however, had left out the first words of the clause relating to the intended reforms, in which Turkey engaged to introduce them in return for our undertaking to defend her territory. He quoted those words because, as he read them, they constituted a condition of the Convention. He thought that those who read that Convention would agree with him that it was so hurriedly drawn up that not only was it one the entering into which was of more than doubtful policy, but it was one which was so hurriedly drawn up that there was reason to doubt what were the actual obligations which this country had incurred. Indeed, the language of certain portions of the Convention was of an unusually difficult kind. For his own part, he had never concealed his opinion as to the impolicy of this Convention; but to dissent from the expediency of an international engagement was a very different thing from reversing it after it had been entered into. Everyone would, at least, admit that it was open to grave objections. The conclusion of the Treaty had dispelled all idea that England was without any desire to obtain territorial aggrandizement at the expense of Turkey, and that view was taken throughout Europe at the time. To a certain extent he agreed with the Mover of the Amendment, that the example then set by England had proved an evil example in other portions of the world. The Anglo-Turkish Convention was an isolated arrangement between Great Britain and Turkey alone, concluded without the sanction, and even without the knowledge, of the other Powers of Europe, and it remained without any explicit sanction on the part of the other Powers, who accepted it as a fact, but did not regard it as affecting their Treaty rights. Thus there was a doubt whether the provisions of the Convention did not involve an infraction of the Treaty of Paris and the Convention of London of 1871; and clearly the Convention at the time it was contracted was manifestly a departure in spirit from the principle of the concerted action which had been the object of the Treaty of Paris, and the leading feature in our treatment of Turkey up to that time. The Convention created difficulties which, but for the willingness of the other Powers to be silent about them, would have been insoluble. These were grave objections to the Convention, and were shared, he was certain, by a majority of that House. But, on the other hand, to violently escape from this Convention, and to put an end to it by isolated action, would be a step which would have serious results on the peace of the East; and, without expressing any opinion as to what might be the future of the Convention, he appealed to the House not to ask the Government violently and suddenly to set this Convention aside. The hon. Member for Burnley said that Cyprus was a bad bargain, and quoted the story of the gross of green spectacles; but Cyprus was a worse bargain, because the green spectacles cost nothing to keep, whereas Cyprus did involve us in very considerable expense. But his hon. Friend did not face the question what they were to do with Cyprus. He (Sir Charles W. Dilke) agreed with the hon. Member for Portsmouth that, having once undertaken its administration, they could not hand it back to Turkish rule. His hon. Friend said that it would be unjust to continue the occupation of Cyprus, with the obligations attaching to it. He supposed his hon. Friend meant that we ought to purchase Cyprus out and out. It was not for him (Sir Charles W. Dilke), in the position he held, to offer an opinion on that subject. That was a matter for those who were Members of the Cabinet, and directly responsible for the administration of the country. It must be borne in mind, however, that there might be a considerable difference of opinion in that House with regard to the policy of paying a very large sum of money for the purchase of the Island, and that was a proceeding against which his hon. Friend, as an economist, might feel bound to protest. The hon. Member for Portsmouth, with that ability for which he was distinguished, drew a certain analogy between the case of Tunis and that of Cyprus. He could not agree with the hon. Member that the cases were the same. There were not only the differences which the hon. Member himself pointed out, and with which he (Sir Charles W. Dilke) agreed, but there was also one clearly recognized by Lord Salisbury—namely, that France, as the immediate neighbour of Tunis, was more interested in what happened in that country than we were in Cyprus. He agreed with the hon. Member for Burnley that the isolated mode of action adopted by this country as regarded our dealings with Cyprus did set an example which had been somewhat followed by France. He understood his hon. Friend to argue that by that action we had raised up international difficulties such as France had excited for herself. That such was the case was shown by the fact that the Questions put to his (Sir Charles W. Dilke's) Predecessor in his present Office with regard to Cyprus were of a very similar nature to those which were daily put to himself with respect to our international position towards Tunis. In fact, the isolated action of any Power in such a matter, without the general consent of Europe, was certain to lead to international difficulties, if foreign Powers chose to insist upon the very letter of former engagements. The hon. Member for Portsmouth asked him a distinct question with regard to the double character of the position of the Representative of France (M. Roustan) in Tunis. He (Sir Charles W. Dilke) would be out of Order in following the hon. Member in detail into that question to-night, inasmuch as Notice had been given on the subject for that day four weeks. But if he referred to the subject, it would be only to repeat what he had said more than once already — that the questions arising out of the double functions of M. Roustan were engaging the immediate attention of Her Majesty's Government. The hon. Member for Portsmouth complained, somewhat bitterly, of the representation of Tunisian interests in other parts of the world by French Agents. But the Treaty between the French Government and the Bey provided that the French Representatives in foreign countries would be charged with Tunisian interests, and Lord Salisbury stated after the Treaty that he saw no reason for remonstrance with respect to the action of France in Tunis. But in discussing this question, he (Sir Charles W. Dilke) was placed in a somewhat embarrassing position, by not knowing how far hon. Gentlemen opposite accepted the Leadership of their Chief. Lord Salisbury spoke, not in his own name, but in the name of the late Government, and distinctly stated that he was speaking the opinions of the late Government—the opinions of his Colleagues as well as his own. Lord Salisbury, after having had the Treaty in his possession for some days, and knowing that the French Representatives were to protect Tunisian interests in other portions of the world, speaking for his Colleagues as well as himself, said that he saw no ground for remonstrance in the action of France. He would not have raised the point at all, were it not for the attack which the hon. Member for Portsmouth had made upon Her Majesty's Government on the subject. The hon. Member went on to question the statement of the hon. Member for Burnley with regard to the dissatisfaction felt in France at the conclusion of the Anglo-Turkish Convention. The hon. Member for Portsmouth complained of an inference which the hon. Member for Burnley had drawn from the speech of the noble Lord the late Postmaster General (Lord John Manners). He (Sir Charles W. Dilke) could not but think that the statements made by those who now sat on his side of the House at the time to which the speech of the late Postmaster General referred were perfectly well-founded, and that the Papers since published showed that they were accurate. He now came to the speech of the right hon. Gentleman the Member for Montrose (Mr. Baxter), who had implored the House not to forget the miserable condition of Armenia, and had advocated the appointment of a Christian Governor of that Province, as was done in the case of the Lebanon. There was, however, no danger that this subject would be forgotten by the Representatives of the Powers at Constantinople. The question was placed third by the present Government among the most pressing questions requiring settlement in the East. The Greek and Montenegrin difficulties had now been solved, and the Armenian question was before the Representatives of the Powers at Constantinople at the present time. His right hon. Friend the Member for Ripon (Mr. Goschen)—at whose presence in the House they all felt great pleasure — who had represented this country in trying circumstances at Constantinople, and who had achieved a triumphant success, had always borne in mind the Armenian question, and the noble Lord who had now taken his place at Constantinople (Lord Dufferin) would keep that question well in view. He (Sir Charles W. Dilke) did not know what the opinion of the right hon. Member for Ripon was; but he did not himself attach so much importance to the question of the religion of the Governor of Armenia as he did to the faculty of administration which that official should possess. If he should prove to be a trusty administrator, his rule must be productive of good, whatever his religion. The hon. Member for Portsmouth had thrown some ridicule upon the concerted action of Europe in connection with the Armenian question; but the Powers, nevertheless, had been acting steadily together, doubtful as the fact might seem to the hon. Member for Eye (Mr. Ashmead-Bartlett). The hon. Member for Portsmouth, towards the close of his speech, had departed from his customary tone of moderation, and, in fact, had adopted language which suggested to him (Sir Charles W. Dilke) that the hon. Member had found and availed himself of a speech belonging to the hon. Member for Eye. The hon. Member said that Greece had received an accession of territory, but that none of the other questions pending in the East at the time when the present Government took Office, and arising out of the Treaty of Berlin, had been settled. [Sir H. DRUMMOND WOLFF dissented.] Well, the hon. Member first made that statement, and afterwards he made the necessary exceptions. The hon. Member had apparently forgotten the settlement of the Asiatic boundary and the settlement of the Montenegrin question, which at one time seemed likely to cause an European war. The hon. Member for Portsmouth laughed at the settlement procured at Dulcigno, and said that the Dulcigno district was inhabited by an Albanian population, who peculiarly objected to Montenegrin rule. Colonel Freemantle, an impartial observer, had placed it on record that he saw in the town of Dulcigno but one Montenegrin soldier, and that on inquiry he found that there was only one small Montenegrin company garrisoning the whole of the Dulcignote country. That disposed of the statement as to the thousands of

Mahomedan Dulcignotes who so strenuously objected to being handed over to Montenegrin rule. The hon. Member for Portsmouth also ridiculed the Naval Demonstration; but, at any rate, the Government had secured a settlement which had led to a perfect state of peace. The hon. Member for Portsmouth had told them, also, that since the present Government had been in Office they had met with rebuffs from all parts of the world, and he had actually quoted —and one could hardly refer to it without smiling — the treatment they had received from Russia as to the passport of Mr. Lewisohn as an example of those rebuffs. He could hardly have been serious in doing that. There could only be one opinion in that House as to the wisdom, as a matter of policy, of what had been done in that case; but right or wrong, even as a matter of strict law, did not the hon. Gentleman know that the Russian Government had been only acting in that case as they had acted in the time of the late and of previous Governments for years and years past? Did he not know that the Austrian Emperor had received rebuffs of precisely the same kind; that three similar rebuffs had been given to the Government of the United States, of a worse character than that in regard to Mr. Lewisohn? Looking at the terms on which the United States were with Russia, he could hardly suppose that the hon. Member for Portsmouth would seriously maintain that Her Majesty's Government had received in the case of Mr. Lewisohn a rebuff from Russia which was caused by any particular weakness on their part. If it was a rebuff, it had been extended to all the nations of the world, and it was scarcely worthy of the hon. Member to bring it forward in the way he had done. Then the hon. Member said they had received a rebuff from Austria in regard to the Commercial Treaty with Servia. The hon. Member spoke without sufficient knowledge of the true state of things. He (Sir Charles W. Dilke) hoped to place in the hands of the House shortly a document which would show that the commercial interests of this country and Servia would not be in a worse, but perhaps in a better, position than they had hitherto been. The hon. Gentleman also charged them with having deceived Greece and betrayed Italy. Their information from Greece certainly was not such as to lead them to believe that Greece considered that Her Majesty's present Government had deceived or betrayed her. As to Italy, their relations with that Power were so entirely cordial, that he was horrified by the statement that they had suddenly betrayed it. The hon. Gentleman then told them that Germany had refused to act with England in representations to Turkey as to reforms.

Sir H. DRUMMOND WOLFF: I was alluding to what you said the other day with reference to the European Commission.

Sir CHARLES W. DILKE said, he did not know the hon. Member was referring to the European Commission. He (Sir Charles W. Dilke) was speaking under the correction of the right hon. Member for Ripon; but the non-action by Germany in the case of those reforms had been dictated simply by a hesitation as to pressing that question before the Greek and Montenegrin questions had been completely settled. Germany thought it would be unwise, in dealing with people like the Turks, to press too many questions on them at a time. The manner in which the right hon. Member for Ripon and the German Ambassador had worked together sufficiently refuted the idea that Germany refused to take part with this country. More had been done by Germany and England working together during the last few months than by any other two Powers that could be named. In conclusion, he had only to assure the hon. Member for Salford (Mr. Arnold) that in dealing with the subject of the Turkish Dominions in Asia, and the reforms to be introduced into them, and as to British influence in that portion of the globe, the Foreign Office and Her Majesty's Government were thoroughly aware of the great importance which must be attached to the free navigation of those rivers. There could be no extension of British influence and commerce which might be easily foreseen greater than that which would result from the free navigation of the Euphrates and the Tigris; and certainly the policy of procuring and fostering such facilities for navigation and trade would be more worthy of this country than the military policy contemplated by that Convention. He believed that the steps that had been taken by the right hon. Member for Ripon, and which would be followed up by Lord Dufferin at Constantinople, were calculated to press that point on the consideration of the Turkish Government. As to the Karun River, it was outside the subject of their discussion. The objections of the Persian Government to the throwing open of that river appeared at present almost insuperable; but still the matter would not be lost sight of by Her Majesty's Government.

MR. BOURKE: I agree with the hon. Baronet (Sir Charles W. Dilke) that this discussion has been very discursive; but I do not think that his speech has been more discursive than the subject required. I will promise the House to detain them for a very short time, because, owing to the remarks which have been made by the hon. Baronet upon the Anglo-Turkish Convention, it will not be necessary to enter at length into that question. I will only allude to one topic which is not covered by the speech of the hon. Baronet. The hon. Member for Burnley (Mr. Rylands) has made an attack upon me of a somewhat disagreeable character. He has accused me of being uncandid towards him at the time I held Office. Now, that subject is one upon which—and I hope the House will excuse me—I am strictly jealous, because I do not believe that, during the whole six years I was in Office, I ever gave an answer which could not be defended, and which was not strictly candid and correct. The answer which the hon. Member for Burnley alluded to was one which I gave in regard to Tunis. I was asked if there was any ground for the rumours about changes in the Mahomedan territories of Tunis and Tripoli as respected their transfer to Italy and France. Now, I answered on the 16th July—"No, Sir; I have never heard anything on the subject." That was on the 16th July. The despatch of M. Waddington was not written until the 26th July, and that was the first time that anybody at the Foreign Office heard anything upon the matter. When I saw that special despatch was the first time I heard of those rumours. The hon. Baronet (Sir Charles W. Dilke) has said that there were grave objections to the Anglo-Turkish Convention. Those objections we have heard before; but he went on to say that there was no intention on the part of Her Majesty's Government to ask the House to set aside that Convention, and that it is impossible to give Cyprus back to Turkey. Under these circumstances, I am perfectly satisfied, so far as that particular question is concerned. But I should like to say what I consider to be our position with regard to Asia Minor under the provisions of the Anglo-Turkish Convention. Some hon. Gentlemen have said that no responsibility attaches to England, because Turkey has not carried out the reforms she promised. That is perfectly true as between Turkey and England. Turkey, there is no doubt whatever at the present time, and as far as we see at any future time, or, at any rate, in the immediate future, is not entitled to call upon this country to protect that portion of the Turkish Empire if attacked, seeing that she herself has neglected to fulfil her stipulations with regard to reforms in the government of Asia Minor which were contained in the Treaty. But that is a mere question between England and Turkey; I think the question between England and the rest of the world is quite another thing. As regards the rest of the world, we are unquestionably bound to resist any aggression on the part of Russia upon Asia Minor, and to support Turkey and defend her territory against Russia. The more we look at that question the more we must think that our policy was a right policy. No person can have watched the progress of Russia, and the way in which she has made her commercial laws answer her political views, without coming to the conclusion that it would be most injurious to the interests of England, and even to our very existence in the East, if Russia were to take possession of Asia Minor. From a commercial point of view, there can be no doubt upon that question. Formerly, before Russia acquired her territories in the Black Sea, the commerce of England was carried into Central Asia, Circassia, and other parts of the East in very great quantities. But since the acquisition by Russia of her Black Sea territories and Circassia, she has applied her commercial policy to those territories, and the commerce of England has been absolutely prevented from entering them. In regard to Tabrez itself, that great emporium of trade, £1,000,000 of Manchester goods reached Tabrez every year; but since the acquisition of Kars by Russia, under the Treaty of Berlin, the effect of the Russian protective policy has been recognized in the fullest way by the Russian people and the Russian Government. Perhaps I may be allowed to read an extract from *The Golos* newspaper, showing the importance which Russia attached to the acquisitions she had obtained—

> "Having taken possession of Batoum with its port, which is the best in the Black Sea, and having annexed Ardahan, Kars, and Bayazid, Russia will retain control over the Anglo-Asiatic trade. In a word, she will be able to direct the Central Asian trade at her own pleasure, which she has not hitherto been able to do. A Russian Custom House will also be established at Bayazid, where English merchandise will be charged with duty."

And then it goes on to point out that that acquisition was made because Russia feared the influence of England; and it further points out that by the acquisition of Batoum, English goods are for ever shut out from that portion of Asia Minor. As sure as Russia gets possession of other parts of Asia Minor, and obtains command of the Tigris and Euphrates Valleys—and it was to that subject that the speeches of the hon. Member for Salford (Mr. Arnold) and another hon. Member were directed—as sure as Russia does get possession of that portion of Asia Minor, both of these Valleys must fall into the possession of that Power, and she will obtain command of Bagdad and Bushire, and the whole of the commerce of the Persian Gulf will be lost to England. The protective policy of Russia will be pursued in those countries, and she will be able to do exactly as she pleases. Indeed, her policy will be precisely that which she has pursued with regard to Circassia, and English goods will be shut out out from those countries for ever. These are my views with regard to the commercial question, and then with regard to the political question, which naturally follows, our position in the East will be absolutely untenable. Under these circumstances, I believe that the Anglo-Turkish Convention was right in principle—that it was based upon sound policy, and that it was the best policy that could be pursued at that time, because it was the only way in which England could assert her rights after the Treaty of Berlin was concluded. Everybody knew after the Conference at Berlin that the Treaty of San Stefano would have to be modified, and it was. The rest of Europe cared not a straw about anything else, and they, therefore, left us to make the best bargain we could. The hon. Baronet opposite the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) seems to think that the late Government have been guilty of a great crime in connection with that Convention, inasmuch as their negotiations in respect to it were conducted in secret. Now, the reason why the Anglo-Turkish Convention was kept a secret was that everybody knew that if it was thrown down at Constantinople for all the Powers to discuss, no Anglo-Turkish Convention—or any other Convention—would have been made. No doubt, any Government then in Office would have cared little for the concert of Europe, so long as the interests of their own country demanded that they should not be the subject of European concert. I believe that the concert of Europe is a most desirable instrument for certain purposes; but, at the same time, I believe there are cases in which it is the duty of England to act without that concert, and without relying upon the projects and different views of other Governments to give effect to it. If you rely in all matters upon the views of other Governments you will have no concert at all. Certainly, that was the view Her Majesty's late Government took of their duties with regard to the Anglo-Turkish Convention; and nothing I have heard to-night makes me think that they were wrong in the action which they took in the matter. At the same time, I think it is very right that this House should have availed itself of this opportunity of discussing the Motion of the hon. Member for Burnley, because I think it is highly desirable that the impressions which have existed abroad in consequence of the declarations of many people in regard to the Anglo-Turkish Convention should be removed, and that it should be understood that it is not the intention of Her Majesty's Government to withdraw from the Anglo-Turkish Convention—that Cyprus is not to be given up, and that with regard to the policy which the late Government initiated as to the Anglo-Turkish Convention, it is not to be reversed. Until we hear that it is to be reversed, we shall certainly understand that that policy remains in full force for the benefit of England, of Turkey, and of Asia Minor.

MR. BRYCE said, he would confine himself to one important point, which had been raised by the hon. Member for Burnley (Mr. Rylands), and that was the alternative course which might be taken by this country instead of acting under the Anglo-Turkish Convention. That alternative course was the duty of acting under the 61st Article of the Treaty of Berlin, and of thereby preventing the dangers which threatened the peace of the East. He thought Her Majesty's Government had exercised a wise discretion in not answering the hypothetical case which the hon. Member for Burnley had put. But that hypothetical case was one which might probably arise. England might be called on to defend the Frontiers of Asiatic Turkey against Russian encroachments. It was from the disorders of the Armenian Provinces that the danger was to be apprehended. The House would remember that the sufferings of the Armenian people had been so great before the late war that steps had been taken to provide for the introduction of reforms into the country. The 16th Article of the Treaty of San Stefano expressly bound Turkey to Russia to execute reforms in the Armenian Provinces, and placed the Armenian population under the protection of Russia. When the Treaty of Berlin was substituted for the Treaty of San Stefano, mainly by the action of this country, that provision was taken over; and the Sublime Porte promised to carry out, without further delay, the reforms that were required by the local needs of the Armenian Provinces. The terms of Article 61 of the Treaty of Berlin were as follows:—

> "The Porte promises to carry out, without more delay, the reforms and improvements required by local needs in the Provinces inhabited by the Armenians, and to guarantee their security against Circassians and Kurds. It will periodically make known the means taken for this purpose to the Powers, who will supervise their execution."

Now, no measures had yet been taken for the redemption of that promise. Three years had elapsed since the Treaty was signed, and nothing had been done to carry out the provisions of this 61st Article. On the contrary, the condition of the Armenian people was becoming worse and worse. All the evils that existed before existed now, even in a more aggravated form. The Courts were wholly corrupt. The Turkish Judges were constantly bribed; they refused to receive Christian evidence, and denied justice to Christian suitors. The Turkish officials and tax-gatherers continued their inhuman exactions upon the subjects. The robberies and outrages perpetrated by the savage Kurdish Tribes went on unchecked. All these things were worse than before the war. Nor did the matter stop there. There was too much reason to fear that the Turkish Government at Constantinople actually welcomed the ravages of famine and the sword of the Kurds, so that they might be able to carry out the faster the work of impoverishing and exterminating the Armenian people. He would not make such a charge if it were not fully borne out by the evidence contained in the Blue Books. If any hon. Gentleman would read dispassionately the Reports received from Her Majesty's Consuls by the late Government, he would see that the Turkish officials had repeatedly placed obstacles in the way of conveying grain to the impoverished districts of Armenia; that their officials had frequently sought to prevent the liberality which had been provided by this country from finding its way into that unfortunate land; and that they connived at the excesses of the Kurds because they helped to destroy the peaceable Christians. Sir Henry Layard, speaking on the 11th May with regard to the behaviour of the Porte itself, said—

> "The conduct of the Porte in this and other cases can only be viewed as a deliberate attempt to encourage the cruelty which has been practised towards the Sultan's Christian subjects in Armenia."

The Armenian people had borne their sufferings with exemplary patience. It was true that they were an unarmed population; but, in spite of their weakness, they would probably have risen in revolt but for the presence among them of English Consuls. Although, as yet, no reforms had been introduced by the Porte, the people could not help hoping that some time or other the English Government would try to help them. In the Blue Books would be found an account of the negotiations which had passed between Her Majesty's Government and the Porte on the subject of the Reports of the Consuls, and it would be found that the conduct of the Porte was most unfavourably criticized by our Representative at Constantinople, as being entirely inconsistent with their promises and engagements, and as proving that there was no real desire to carry out the reforms they had undertaken. Nothing had been done to improve the condition of the people, nor was it possible to do anything until the administration was taken out of the present hands and given to people who would exercise it with justice and propriety. He did not complain of Her Majesty's Government for not having done more up to the present time, for they had been occupied with the Montenegrin and Greek Questions. He received with thankfulness the declaration which had been made by the hon. Baronet the Under Secretary of State for Foreign Affairs that the Armenian Question stood next on the programme for fulfilling the Treaty of Berlin. Still less did he complain of the conduct of Her Majesty's Representative at Constantinople. Nobody could have watched the progress of events there without feeling the highest admiration for the vigour, and tact, and skill which Her Majesty's Representative had displayed. But he urged upon Her Majesty's Government the importance of acting with energy, now that the Greek Frontier Question had been practically disposed of, in order to bring about an early settlement of the question. It was a question, in its ultimate results, not less important even than the Greek Question; and he hoped that the same earnestness which had been shown in that matter would be applied here. The danger of Russian intervention was no idle fear. Russia had a large population living immediately across the Armenian Frontier, who deeply sympathized with the oppressed people of the Provinces which were subjected to Turkish rule. Nothing was more likely than that, if the present state of things continued, they might induce, or indeed compel, the Armenian people to rise in arms. Such an insurrection would be followed up by a massacre, and would inevitably bring about Russian intervention. In fact, the story of Bulgaria would repeat itself over again. He appealed to the First Lord of the Treasury, who had pointed out, with such incomparable force, that the best and only way of preventing Russian intervention was not to allow the misrule of Turkey to continue, that to tolerate Turkish misrule was to invite Russian aggression. He appealed to him to urge the other Powers of Europe to prompt action in this matter, and remove the excuse and justification for Russian aggression, which the miseries of the Armenians now afforded. He did not put the case on the basis of British interests — though he knew that many hon. Members of that House conceived our political position in the East, and the safety of our route to India, to be affected—nor did he put it on the ground of humanity; he put it on the firmer and more solid ground of Treaty obligations. This country, in 1878, took away the protection which Russia had, by the Treaty of San Stefano, undertaken to give to the Christian inhabitants of Armenia. We annulled that Treaty, and took the Christian subjects under our own protection, by the Anglo-Turkish Convention, under that of the six Powers by the Treaty of Berlin. Should we continue to watch their sufferings unmoved, and without doing something to relieve them, we might find ourselves in the painful dilemma of seeing Russia advancing to occupy the Armenian Provinces, and being forced to choose between a humiliating retreat from Treaty engagements, or engaging in a contest with Russia which might end in war. He believed that hon. Members on both sides of the House were equally concerned in seeing the credit and honour of England maintained, and he thought that if they read the accounts contained in the Blue Books there would be no difference of opinion as to the duty of this country. No one could fail to be profoundly moved by the details which were given there of the sufferings of that unfortunate people. No one who realized the urgency of the case, and the dangers that loomed in the future, but must desire that the influence of Europe should be exerted to deliver a population which lay exposed, unarmed, and helpless, to the attacks of ferocious robbers and the extortions of rapacious officials. And while they strove to alleviate the miseries of the Christian population of Armenia, they would relieve themselves of what might prove a source of embarrassment and danger to this country itself.

MR. A. J. BALFOUR said, he did not propose to follow the hon. Gentleman who had just sat down (Mr. Bryce) into a discussion upon the Armenian Question. Everyone agreed with the hon. Member that the condition of affairs in Armenia was deplorable, and entertained an earnest desire that it would be speedily ameliorated. Nor did he intend to follow the discursive remarks of the right hon. Gentleman the Member for Montrose (Mr. Baxter), nor to comment upon the experience of the hon. Member for Salford (Mr. Arnold) in regard to travels in the Valleys of the Tigris and Euphrates. He wished rather to bring back the debate to the question which he supposed the hon. Gentleman the Mover of the Amendment wished to raise. The Motion of the hon. Member for Burnley (Mr. Rylands), as it stood on the Paper, was for Papers which never had any existence; but he (Mr. Balfour) imagined the question the hon. Member wished to raise was the expediency of now withdrawing from the Anglo-Turkish Convention. In the speech which the hon. Member had made in support of his Motion, he had shown signs that he was affected by that morbid imagination which influenced so many of his Friends with regard to the proceedings of the Foreign Office. They suspected that there was a secret Treaty in every drawer of that Office, and some dark Convention in every pigeon-hole, and they were perpetually asking for information which could not be given, for the simple reason that such information did not exist. With respect to the Convention itself, the first criticism made by the hon. Baronet the Under Secretary of State for Foreign Affairs (Sir Charles W. Dilke) was that it was made in conflict with the Treaty of London. But this appeal to the Treaty of London, which Treaty guaranteed the integrity of the Ottoman Empire, was really an appeal to a document which had been torn to shreds long before the Anglo-Turkish Convention was made. The war between Russia and Turkey entirely destroyed that document, practically, whatever it might have done formally. With regard to the accusation that the Convention had been entered into without a European Concert, Her Majesty's Government appeared to think that a European Concert would give guarantees against the individual action of separate Powers with regard to the acquisition of territory. Last Session they were told that whether or not a European Concert was a good instrument for carrying out reforms, at all events it did prevent selfish and separate action. For the last few weeks that statement had not been repeated. The French aggressions in Tunis had showed the precise value of the European Concert as a means of stopping proceedings which, whether injurious or not to England, were undoubtedly separate and undoubtedly selfish. We had long known that the European Concert was not powerful to do good; we now know that it was not powerful to prevent harm. That class of politicians who were constantly attacking the Anglo-Turkish Convention could not be consistent in their attacks. They told us, like the right hon. Member for Montrose (Mr. Baxter) that the Eastern population had been better off under Russian government; but, in the very same speech in which that statement was made, we were told that Russian government was so bad that Russian aggression need not be feared. We were told that any dismemberment of the Turkish Empire was a thing to be desired, and that they were to shrink from nothing that would abstract a population from that pernicious rule; and, at the same time, we were attacked for putting under our own rule the population of Cyprus. We were told, also, that we had engaged ourselves to undertake military operations far above our strength, and not 10 sentences afterwards we were told that the Army of Russia was so rotten that it was perfectly incapable of contending with the Army of any well-governed European country. Now, as the Convention itself, it was really the strongest and most tangible inducement ever held out to the Turkish Empire to reform itself. He perfectly admitted that, so far, it had not attained this object, and he perfectly admitted that reforms had not followed upon it; but, he asked, had any other instrument in the possession of any other Government worked more successfully? True, the Anglo-Turkish Convention had in this respect failed; but had the European Concert succeeded? Was there the least sign that it was likely to succeed? Had the hon. Gentleman who spoke last (Mr. Bryce), who had dwelt in such touching terms on the condition of Armenia, any hope of the success of the European Concert? Did he believe that Armenia was to be reformed by the European Concert? No; he (Mr. Balfour) felt certain that the hon. Member was not so Quixotic as to suppose any such thing. He would point out, also, as to these reforms, that, though it was unquestionably true that, so far, the Turkish Government had not been influenced by the Convention to carry out reforms, on the first menace of Russia the disposition to carry them out would be great, since, until they were carried out, we were not bound to defend Asia Minor. On the first threat from Russia, any English Government in power at the time would be able to put the strongest pressure on the Turkish officials to do something tangible and permanent in the way of improvement. With regard to the responsibilities thrown on us, he was not one of those who thought we had incurred no risk by the Convention. Nothing whatever that was worth doing was to be done without some risk; but in this case it was entirely conditional on reforms in Turkey in Asia being carried out, and, from that point of view, he was afraid it was very remote. He could wish it were less remote; but if Asia Minor were reformed, and the Turkish Government did their duty in that part of their dominions, no English Government whatever, with or without the Anglo-Turkish Convention, could refuse to assist them in repelling Russian aggression. It would be the duty of any English Government, from whatever Party it was drawn, supposing that Asiatic Turkey were well governed, to prevent the extension of Russian influence through Asia Minor and the Valley of the Euphrates. Asia Minor, it was said by the right hon. Member for Montrose, was a country without roads, through which it was difficult to transport an army; but they were not obliged to send an army there. All they were obliged to do was to assist Turkey in resisting Russia, and whether or not they should have to march an army to the North of Asia Minor and meet Russia there was a question that would have to be left to the Military Advisers of the Government then in power. It would be for us to assist Turkey not in this way or that way, but in the manner which would be most effective. He had gone over most of the points which related to the Convention, which was the matter to which he wished to confine himself. He would only say that he had heard with no little satisfaction from the Under Secretary of State for Foreign Affairs that the Government had, so far, no thoughts of abandoning the Convention. The right hon. Gentleman the Member for Montrose (Mr. Baxter) had told them that the Government had had the courage to abandon Candahar, and had had the courage to abandon the Transvaal; and, he added, he hoped they would have the further courage to abandon that Convention. He admitted that the Government had shown themselves possessed, to an eminent degree, of that peculiar kind of courage which consisted in retreat of all kinds. But he was glad there was a limit to that courage, and that the Government were not going to follow the advice of the right hon. Gentleman the Member for Montrose and carry out those principles not only in Afghanistan and South Africa, but also in the Eastern part of Europe.

Mr. GLADSTONE: I should have been very well content to leave this question in the position in which it was left by the most able speech of my hon. Friend the Under Secretary of State for Foreign Affairs; but there are one or two points on which, having regard to the position I hold, it is almost my duty to say a word; and, first and foremost, I avail myself of this—the very first—opportunity of acknowledging, in the face of this House, the able services which have been rendered by my right hon. Friend the Member for Ripon (Mr. Goschen) to the country of which he is a most distinguished citizen, and I will go a little farther and say to the cause of justice, liberty, and humanity abroad. Those services drew a merited compliment from the hon. Member for Portsmouth (Sir H. Drummond Wolff), though that hon. Member was obliged to pay that compliment at the cost of a grievous inconsistency, because, in almost two consecutive sentences, he stated that the services of the right hon. Gentleman had been "most able and most successful," and then that the whole policy of the Government had been "a panorama of failure." ["Hear, hear!"] Oh, yes; I quite understand that that suits the intellectual views of the hon. Member opposite; but I am not commenting upon his intellectuality, or upon his views—I am commenting upon the cogency of the considerations which the hon. Member for Portsmouth must have felt to have been connected with the services of the right hon. Gentleman the Member for Ripon, when he felt it his duty—and it was honourably performed—to render tribute to those services, even in absolute contradiction to the sentiments which formed the climax and peroration of his speech. In reply to the hon. Member for the Tower Hamlets (Mr. Bryce) I wish to assure him that the principle on which we have endeavoured to proceed in dealing with the numerous and perilous questions which we found unsettled under the Treaty of Berlin has been that of orderly succession. We were well aware that it was perfectly impossible in any other mode to make progress in these difficult and complicated matters. The most dangerous and urgent, menacing the peace of Europe, under the Berlin Treaty, were the matters connected with the Montenegrin Frontier and the extension of Greek territory. It was to these, therefore, that we, through the able assistance of my right hon. Friend, first addressed ourselves; but that was never with the idea that the question relating to the condition of Armenia was other than one of the first rank in principle. I am sorry that my right hon. Friend could not prolong his stay in Constantinople, to render to that question also the efficient aid which he rendered to the questions of Montenegro and Greece. His departure may, perhaps, suggest to some the idea that Her Majesty's Government attached a less importance to reforms in Armenia than to the other questions. Now, I hope—though I like to assume nothing until it is actually accomplished—this matter has been settled; and that idea would be an entirely false one. My right hon. Friend knows well how happy we should have been had we been able to induce him, or had not other duties and engagements prevented him from prolonging his stay at Constantinople. But the able and distinguished person who has been chosen to succeed him has carried out with him as the first article, I may say, of his instructions, the direction to apply his influence and energies in the greatest degree to the settlement of this most important Armenian question. Now, Sir, we have heard from two speakers since my hon. Friend (Mr. Bryce) sat down elaborate defences of the Anglo-Turkish Convention. The right hon. Gentleman the late Under Secretary of State (Mr. Bourke) began by making a defence of himself with regard to an answer given in this House, and he appealed to the House to support him in his assertion that he had never during the six years—the six difficult years—during which he represented the Foreign Office, been guilty of a want of candour in any replies made by him. Sir, I have very great pleasure in rendering my tribute to the right hon. Gentleman in that respect. I am sure he was quite incapable of dealing otherwise than most fairly and honourably with the House. At the same time, without in the slightest degree qualifying that admission, I must call the attention of the House to the position in which he left this matter. A Question was asked of him on the 16th July, 1878, whether there was any ground for disquieting rumours that had gone abroad with respect to the action of France in connection with Tunis and Tripoli. The right hon. Gentleman said there was no ground whatever; he has shown us that the despatches in our hands are of a later date, and that he was entirely ignorant of the matter disclosed in those despatches. I have not the least doubt that what has been said by him can be said with equal accuracy by the right hon. Baronet opposite (Sir Stafford Northcote), and by the other Members of the late Cabinet in this House. But this I must observe, that the organ of the Government in this House was upon that important subject permitted, innocently, to misinform and mislead the House, and that he was never corrected by those who possessed the knowledge to remove his error. The conversations between M. Waddington and Lord Salisbury were anterior to that date. Inquiry in this House proceeded in complete ignorance of these conversations and the important matters which had taken place. They were unknown to him at the time; they were kept back from him, they were kept back from Parliament, they were kept back from the world; and we were allowed and taught to discuss the whole of the question of the Anglo-Turkish Convention and of the Treaty of Berlin in entire ignorance of what had taken place between England and France; and, in fact, under the pressure of the strongest assurances, even for Members of the Cabinet, that no circumstances of uneasiness had arisen between those two great Powers in connection with that Convention. That is a state of facts unexampled, I believe, in the history of foreign discussion in this House—a state of facts which, I trust, having had one instance of the kind, will never recur in the annuals of the English Foreign Office or of Parliament. With regard to what has been truly said to be the main question of discussion to-night, the Anglo-Turkish Convention, I wish to observe upon the total contradiction between the argument of my hon. Friend who has just sat down (Mr. A. J. Balfour) and the argument of the right hon. Gentleman the late Under Secretary of State. My hon. Friend, while he fully acknowledges that no reforms have been effected in Turkey under the Anglo-Turkish Convention, says—"Yes; but wait—wait till Russia is on her way to Asia Minor, and then you will have an irresistible leverage to force Turkey to adopt reforms." But he evidently had not heard, or he is diametrically at variance with, the statement of the right hon. Gentleman the late Under Secretary of State, because the right hon. Gentleman, so far from founding the policy and duty of England to support Turkey against Russia in her Asiatic Dominions on the prior execution of those reforms, founded it upon a splendid and imposing commercial theory. He said it was the duty and policy of England to go and wage war, 3,000 miles from her base of operations, single-handed, against Russia, upon her continuous territory, for what? Why, for the purpose of preventing the tremendous and ruinous consequences to the commerce of this country that would follow if Russia obtaining territory in Asia Minor were to establish protective duties. If that is so, if it is our duty to go there to prevent Russia from enforcing protective duties, what becomes of your leverage upon Turkey to induce her to effect reforms? You tell her it is your interest to do it. The right hon. Gentleman says the whole of our Empire in the East is at stake in keeping Russia out of Asia Minor. But if so, what leverage have you upon Turkey? Will not the Turks read the speech of the right hon. Gentleman, and learn from it that your own interest in your view will compel and constrain you to defend her upon her Frontier, whether she effects reforms or not? I confess I was surprised at my right hon. Friend, who is a man of great ability, and may look to obtain further distinction in the councils of the Empire, that his experience of the world has not taught him how much wickedness there is in it and the craft with which this wickedness is conducted. Depend upon it, there is quite intellect enough in the stupidest Pasha that ever held office in Constantinople to put together the two ideas, that if we are told by the organs of the late Government that the Anglo-Turkish Convention was founded upon the supreme policy of British interests it is perfectly clear it is not founded upon the prior necessity of introducing reforms. Now, Sir, with regard to the Convention, the right hon. Gentleman laid down another proposition of great importance. He boasts, on the part of the late Government, that they were glad to depart from the concert of Europe when, in their view, the interests of England required that course to be adopted. Well, I want to know whether that doctrine, if it be good for us, is not good for others also? My hon. Friend seemed to be surprised that France had been departing from that doctrine, and has, in Tunis, been taking measures which certainly, to state it mildly, Europe is not unanimous in approving. But, Sir, if France is blessed with Under Secretaries of State who are imbued with the doctrines of the right hon. Gentleman, she has no difficulty in finding an apology, for she has only to boast in the face of the world that she is ready, and desirous, and forward to act with the concert, and with the approval of Europe, until French interests are at stake. I am not here to pronounce an opinion—it is not my business to pronounce an opinion upon the measures recently taken by France in Tunis; but I am here to say this—that if those measures had been in their nature dangerous to the public tranquillity—nay, even if they had involved a breach of public law, the power which England gained 20, 30, 40, or 50 years ago would have manfully protested against any such proceeding. But it has been said that power has been crippled and impaired by what was well called by my hon. Friend the Member for Burnley the evil example set by the Anglo-Turkish Convention. That Convention, to begin with, was a departure from the European Concert. Well, Sir, we have always said that the European Concert was to be maintained partly because it gave the highest authority to its own conclusions, which were capable of being brought to bear in the present condition of International Law on the settlement of great affairs. But we have also said that it had a great virtue in suppressing the selfishness of an individual Power. And then my hon. Friend astonished me by reproaching the advocates of the European Concert with the proceedings of France in Tunis. It was not in our power to get rid of that which had been done before we came into Office. These proceedings followed very closely upon the date of the Treaty of Berlin, and the abandonment of the principle of concert by the late Administration, particularly in the case of the Anglo-Turkish Convention. I ask you to go back a quarter of a century—to the time of the Crimean War and the Treaty of Paris. The Crimean War was entered into under the shield of a self-denying ordinance—under an engagement of the Powers concerned in it that they would take no benefit to themselves from the measures they were adopting on behalf of Turkey. What followed? The Treaty of Paris was concluded, and 20 years of peace was secured to Turkey. There was no Anglo-Turkish Convention then, there was no movement of the French against Tunis. There was no proceeding of this class, or approaching to it. The only point on which there was an apparent departure from the Treaty of Paris was the union of the Danubian Principalities which constituted the State of Roumania, and which was not a movement dictated by the selfish interest of any one of the Powers concerned. It was a movement in favour of liberty, justice, the peace of Europe, and the stability and settlement of the East. That followed the Treaty of Paris. Compare with it what has followed the Treaty of Berlin. Sir, we adhered to the doctrine of the European Concert; but what we had to do was to build up a ruin which had been overthrown, which had become almost a bye-word in the mouths of those whom we succeeded. We have endeavoured to repair it; but repairing is a very different thing from upholding. It is quite clear that the principle of concert, which the late Under Secretary of State boasts of, the readiness of the late Government to disregard where there were any British interests concerned—the principle of concert was the principle on which the whole of the policy of this country in the East has been founded for 50 at least—since Canning endeavoured to combine the Powers of Europe and succeeded in binding three of them, and the three greatest of them, for the purpose of constituting the Kingdom of Greece. From that time onwards it was the established rule of Europe. My hon. Friend says that concert has always failed; but is not the existence of the Kingdom of Greece at once a contradiction of the doctrine he has laid down? Concert may fail, but if concert fails, rely upon it that what is weaker than Concert is absolutely sure to fail. Do you want a more recent instance? Did concert fail in the Lebanon? Are you not there in the heart of Asia? And there you established 20 years ago, through the able services of Lord Dufferin, that political system in the Lebanon which has made the Lebanon comparatively almost a model for Asiatic Turkey, and which has subsisted there through all chances and changes to the present time. Well, concert was the principle upon which Europe founded its policy in the East for 50 years. England had won proud distinction even among European Powers. Whatever might be said of its ambition elsewhere, it was freely confessed that within those limits, at least, she had no selfish interests to pursue, and the consequence of that has been to give her enormous weight in guiding the councils of united Christendom. That was the position which England had attained up to 1878, and I hope she will recover it. Men warmly attached to British fame and British power have not scrupled to act upon the principle of concert. Lord Palmerston and Lord Russell, two statesmen whose names are almost proverbial for their regard for the fame and splendour of their country, did not scruple to give over to Greece the Ionian Islands; and that act, which I believe, from their point of view, to have been a wise act, did much to corroborate the idea which rested on the precedents of a very long period of time—the idea of the justice, sincerity, and impartiality of this country, at least, on European questions. That position it will be the labour of the future to regain. Possibly it will be a slow progress; it may not be for the present Government—for me it cannot be a task to be much prolonged—but while I hold the Office I have the honour to hold I will labour steadily for that purpose, and will again endeavour to found the influence and fame of England, as far as we can, upon a strict regard for international right, and upon the cordial recognition of the title of others to be treated upon a footing of equality with ourselves. The hon. Gentleman the Member for Portsmouth (Sir H. Drummond Wolff), with great ingenuity, and no unfairness, contrasted in various points the case of England in regard to the Anglo-Turkish Convention with the case of France and Tunis. In regard to accidental particulars, I think he was quite accurate, so far as his point of attack was concerned; but there are other points which would vary considerably the effect of the contrast. There is one point to which the hon. Member did not refer, and which is an important point of view. It is the juridical point of view. We may lament the conduct of France in Tunis; but it is difficult to assert that France by her conduct in Tunis has been guilty of a breach of International Law. France has never for a very long time—for 50 or 60 years, in fact, ever since the integrity of the Turkish Empire became a question of European interests—admitted that Tunis belonged to the Turkish Empire, and, only a few years ago, France was joined by Italy in holding that view. We hold the contrary; but it has only been a matter of opinion on one side and the other. It is impossible to assert as a proposition of European Law that Tunis belongs to the Turkish Empire; but when we look to the case of this Convention what do we find? A single power took from the Sultan by what is called a voluntary act on his part—though, I must say, in describing it as a voluntary act you are straining the force of language. [An hon. MEMBER: No, no!] I beg to assure the hon. Member who cries "No, no!" that I think I have had better means, perhaps, than he has had of ascertaining what is the view taken by the authorities in Turkey of the Anglo-Turkish Convention, and in the words I have used I have kept myself within bounds. I do not scruple to assert—I am sorry this question has been raised again—that at the time that Convention was formed it was a breach of the law of Europe. The hon. Member for Hertford (Mr. A. J. Balfour) gives us now his reply to that allegation, and his reply to that allegation is that the Treaties under which he seems to admit that it would have been a breach of law had been destroyed by the logic of facts. If I wished to possess myself of a plea that, under all circumstances, would avail for any act of aggression, I can hardly conceive one more elastic, more available, more all comprehensible, than the contention that an obligation had been disposed of by the logic of facts; but I am not prepared to admit the logic of facts, as matter of fact. The Treaties of Paris and London had been reset up by the Treaty of Berlin. They were in force before the Treaty of Berlin, and after the Treaty of Berlin, except so far as the Treaty of Berlin altered them, and those Treaties said that every question relating to the independence of the Turkish Empire was a question of common interest to the whole of Europe, in which no single Power could take upon itself to act. Was not that what you did? Did our occupation and administration of Cyprus have any influence on the integrity and independence of the Turkish Empire? If Russia had done the same thing in regard to Mitylene or Chios, would you have admitted for one moment that that was not an act affecting the integrity of the Turkish Empire? I make this admission to my hon. Friend. That act may be said to have been unknown by the absence of proof. I am not aware that the Powers had reserved their own rights, but they have nowhere protested against our action; and I therefore agree that the position of the question, years after the facts have been changed, is now altered in its character, and that we are not called upon to give up possession of Cyprus. I believe, and frankly admit, that this Convention was made with the best intentions towards the subjects of Turkey. I have not the least doubt that a warm sympathy with their condition had a great effect on the minds of those who devised the Treaty; but permit me to say that, even from that point of view, it was an entire error. It is admitted that it was an error so far as practical results are concerned — at least that it has not yet been justified. But it had another effect. While it was futile for the purpose of relieving the subjects of Turkey from oppression, this substitution of our sole will for the united action of the Powers was perfectly well known in Turkey to constitute an absolute reversal of the principle upon which the Crimean War was made. The grand object of the Crimean War was to get rid of the sole action of Russia in Turkey. The right of interference by Russia between the Sultan and his subjects was declared to be a cause of danger to the world, and when we come to re-establish—we who had taken a leading part in destroying that title to intervention on the part of Russia—when we come to re-establish for a right of the same kind by Treaty, the suspicion created in the mind of the Turkish Government, and I must say it was a natural suspicion, was that we had selfish and ulterior objects in view—namely, our own political strength in connection with our Asiatic Empire, and not the mere welfare of Turkish subjects; and I must say I think that suspicion would have been confirmed to-night could the Representatives of Turkey have listened to the right hon. Gentleman the late Under Secretary of State for Foreign Affairs, when he emphatically declared how closely the policy of this Convention was connected with the maintenance of the Indian Empire of Great Britain. Well, Sir, I will not detain the House any longer; I should not have said so much, but for the defences which were offered by my hon. Friend who has just sat down (Mr. Balfour), and by the late Under Secretary of State for Foreign Affairs. I have only to say one word before I close. The hon. Member for Portsmouth sees in the foreign policy of the present Government nothing but a panorama of failure. I do not wish to waste the time of the House, especially at this late time of the night; but the hon. Member admitted, in candour, one exception to that view. He certainly admitted that considerable acquisition of territory had been in principle gained—and I hope practical measures have given effect to that—to the Kingdom of Greece. I am not sure whether the hon. Member will allow that the settlement of the Montenegrin Frontier Question, and the closing thereby of the controversy between Turkey and Greece, was of some importance. I noticed his criticisms of the particular method of settlement; but this has been amply dealt with; but it is a panorama of failure in which these two acts occurred. The first year of our Administration has produced these acts, together with others, to one of which my hon. Friend referred, and of which, perhaps, the hon. Member for Portsmouth was not aware—namely, the settlement of the Asiatic Frontier. But if these two acts—the settlement of the Montenegrin and Greek Questions—are so slight and insignificant that they are even invisible points in the great panorama of failure, how was it they had not been settled during the two years our Predecessors were in power with, as hon. Gentlemen opposite always assure us, unequalled influence all over the world—Predecessors who, we are told, enjoyed recognition all over the world of their transcendent merits; who were the finest and ablest Ministers that ever swayed the destinies of a country? How was it that these two insignificant questions of the Montenegrin Frontier and the addition of the territory of Greece were not settled? No, Sir, these great men, when they went out of Office, handed over this question to the little men who came after them; but so far as those two questions are concerned, and mainly owing to the powerful exertions of my right hon. Friend behind me (Mr. Goschen), something has been done in these quarters in the interests of justice and liberty, and for the future peace of the world.

SIR STAFFORD NORTHCOTE: I regret that it should be necessary for me to take any part in the present discussion; but there have been some observations to which we have listened from the Prime Minister which appear to me to call for an immediate reply. Before I address myself to them, I wish to take the more grateful part of adding to his my own congratulations to the right hon. Gentleman the Member for Ripon (Mr. Goschen) for the manner in which he discharged his duties at Constantinople.

Mr. GLADSTONE: Will you allow me for a moment? I forgot, very wrongly, to acknowledge the tribute paid by the hon. Member for Portsmouth (Sir H. Drummond Wolff) by making reciprocal admission joyfully, and a willing acknowledgment, of the way in which he served the interests of his own country and the people of European Roumelia in the Office he held.

Sir STAFFORD NORTHCOTE: It has been with great pleasure that I have heard these observations from the Prime Minister. Not only are they well deserved by my hon. Friend the Member for Portsmouth, but they point to the fact that the work in which the right hon. Member for Ripon has been successfully engaged has been work which has been in no small degree prepared for him by those who have gone before him. The objection I take to the speech of the Prime Minister is not so much to the detail, but to the whole scope of the argument. The right hon. Gentleman appears to me to have entirely left out of sight himself, and to have desired that the House should have left out of sight, the whole course of that great Turkish-Russian Question out of which, amongst other incidents, the incident of the Anglo-Turkish Convention grew; and I venture to say, when he speaks in the manner in which he has done in his closing observations of the position in which we left affairs, and the task left to be accomplished by the present Government, he leaves out of sight altogether that if we had not taken, on the whole, the course we took on that question, there would probably have been no Turkish Convention. The questions of the Greek Frontier or Roumelian Administration, if England had not come forward at a critical moment, you would have seen such an alteration in the relations between the different Powers of Europe as would have put your concert into a very peculiar position. If you were to judge from the speech of the right hon. Gentleman, you would think that the Anglo-Turkish Convention was a Convention entered into by England for the sake of acquiring some territory for itself, and that that was an isolated transaction, altogether apart from the great transactions of the Russian War, and of the negotiations that followed. What was the real state of things? The right hon. Gentleman talks about the concert of Europe. He says that ever since the Peace of Paris there had been a recognition by the European Powers that the affairs of Turkey were matters of public interest to be decided by the concert of Europe. I will not say whether there may be more or less truth in the statement—I mean whether it is a more or less complete and accurate description of the situation. I will not raise the question of how far that statement takes into account the Tripartite Treaty. I do not know how far that statement takes into account the Tripartite Treaty between England, France, and Austria, which was a special Treaty in regard to the maintenance of the integrity of the Ottoman Empire. Was that a part of a European Concert or not? I want to know. I do not understand what the argument of the Prime Minister is, so far as it would apply to such a Treaty as that. Had those three Powers any right, according to him, to enter into any such Treaty as that? Was that within the principles of European concert or not? If it was right, and I presume from his silence—and he was the Minister for many years giving effect to it—that he thinks it right, why, if the special interests of three Powers were to entitle them to enter into special arrangements for the security of Turkey, should it be wrong in the case of one of them? What was the case? War grew up between Turkey and Russia; we in this country, in concert with the other European Powers, did all in our power to prevent that war breaking out; the Conference at Constantinople was the last act of that European Concert, and I venture to say in that Conference we did everything that was possible for us to do, and France did the same, to prevent that attack by Russia upon Turkey. That failed, and the concert was broken up, not by us, but by Russia. The war began; we did all that was in our power to induce other Powers to come forward and stop that war. We were unable to do so, and were obliged to stand still with folded arms, as it were, while a war took place which was decidedly against European arrangements, and which was also in opposition to the interests of this country. I know it is a shocking thing to allude to the interests of this country, but we must expect to differ. The war went on; Russia was successful, and everything we could do failed to stop her progress, and we found ourselves in the position that it was likely enough that the integrity of Turkey would be broken up and Russia be in possession of Constantinople. That was a state of things in which it was impossible for us to acquiesce, and we took steps of which I am not at all ashamed, but even proud, to come forward and say that we, at all events, would take our part in preventing such a calamity. What was the result? The result was that we were successful; we arrested Russia on the threshold of Constantinople, and we succeeded in bringing about the Berlin Conference to settle the questions in which the Powers of Europe were interested; but there were questions in which the Powers were not interested, but in which we were interested. There were questions which affected vitally the interests of the Porte and of England with regard to our Eastern Empire in India. And I admit, although it may be a shocking thing to admit it, that we thought it our special duty to take steps ourselves to protect those particular interests which we had reason to know the other Powers would have considered outside the scope of their deliberations. That is the history of the Anglo-Turkish Convention. The right hon. Gentleman says you admit the fact that it was a Convention entered into for your own interests, for your commerce, for your Indian Empire, and, therefore, how can you expect Turkey to think it was entered into for the interests and improvement of Armenia? That was not the point. The point upon which we rested was that we considered some steps necessary to secure the Asiatic Dominions of the Porte from invasion by a foreign Power. We made an engagement binding ourselves to give assistance, and that was a stipulation which we made in lieu of the Tripartite Treaty, which had altogether broken down, and for which we substituted a Convention much more favourable to ourselves; and, at the same time, gave to Turkey a pledge which was of the greatest value to her. But then we felt that if we were giving a pledge to assist Turkey in the event of attack by Russia, it was necessary that we should take some precautions against those incidents which had occurred before, and might occur again, and which would naturally stir up public feeling against us—I mean the misgovernment by Turkey of her Asiatic Dominions. And on that account the stipulations in regard to Armenia were put into the Treaty. That is the explanation of the whole matter. We asked, no doubt, for the right of the administration of Cyprus, not for the sake of obtaining territory, but for the sake of obtaining the means of carrying into effect the obligations we were incurring. That was perfectly intelligible; and if it were not for the fatal blot that it was an arrangement made by the late Government, there would be very little fear that it would be presented to the House as one that might fairly be condemned. It may be said that the arrangement was good or bad; if bad, I suppose you are going to give it up; but it was perfectly intelligible, and I hold that it was successful. We have heard a great deal about Tunis, and about the reticence that was observed in keeping back things that ought to have been communicated, and so forth. I was not in the House at the moment my right hon. Friend the late Under Secretary of State for Foreign Affairs (Mr. Bourke) spoke, but he referred to the answer he gave on the 16th July, and it will be seen from the Papers that the first question raised as to the precise language used by Lord Salisbury was not until 10 days later, on the 26th July, when the explanation of M. Waddington came. My right hon. Friend was perfectly justified in saying that there was no legimate foundation for the rumours to which reference had been made. But with regard to the whole of that business, what can anybody who is not prejudiced see in the matter? Why, simply that when reference to Cyprus and the Anglo-Turkish Convention was made and came under the consideration of the French Minister at Berlin, it was not unnatural that he should ask—"What is the meaning of all this, and what is its bearing on French interests in Africa?" The answer given was—"None at all. It has nothing to do with any desire to interfere with any French interests in Africa. We respect French interests in Africa. The arrangements have been made for reasons set forth in the Treaty, and for no other, and we do not interfere with French interests in Africa." Well, we hear that it is a wrong thing for England to act separately, and that it is not a wrong thing for France to act separately. All these questions are matters which require very careful consideration, and you are putting cases to us which we are not in a position to discuss. It is one question whether France is or is not acting at the present moment in entire accordance with her relations with the other nations of Europe. But it is another question as to the action of England; and I say that the action of England in the Anglo-Turkish Convention was entirely justifiable, and justifiable not only in reference to this country and to Europe generally, but also with reference to her attitude towards France and the other European alliances. I do not think I need go further at present. I understand that the general effect of this debate is this—that Her Majesty's Government do not see their way to reversing or changing the policy which we adopted, and which we adopted on very strong grounds, in reference to the Anglo-Turkish Convention. You may reprobate our conduct, and say that it was selfish and wrong, and in every way to be condemned; but the Government do not see their way towards repudiating it. I am very glad of that. I think we have in the Convention taken a position which, on the whole, is creditable to this country. It is a strengthening position. I deny altogether that the occupation of Cyprus, in the sense, and to the extent in which we occupy it, is to be called anything in the nature of greed of territory. If it is necessary or justifiable to take measures for the protection of our ally the Sultan, and our Indian Empire, as well as the Empire of the Porte, then I contend that in taking that measure we have done that which was thoroughly justifiable, and although it is made the subject of comment by those who are disposed to cry down our policy, I confess that I have never been able to see the force of the arguments used against it; and I am in no degree disposed to shrink from the responsibility of the consequences of it.

Sir CHARLES W. DILKE: By the leave of the House, in reference to some of the remarks which have fallen from the right hon. Gentleman the late Under Secretary of State for Foreign Affairs (Mr. Bourke), I desire to say that I wish to be bound by the actual words which I have used in regard to the Anglo-Turkish Convention, and not by any comments that may have been made upon those words.

Mr. O'DONNELL said, he did not suppose that the Government designed to exclude the Irish Party from the discussion of that question. He did not intend to discuss the matter at any length; but he wished to assure the Government that the Irish Members did take an interest in the foreign policy of the country, and that that interest was likely to be increased in the futute. He thought there was an omission in the speech of the right hon. Gentleman the Prime Minister, upon which, as an Irish Member, he wished to make a remark. In referring to the vacillation or failure which might have marked the policy of the Conservative Party, the right hon. Gentleman seemed to have forgotten to take notice of the very weakening or damaging effect upon the public policy of the country caused by the persistent opposition of the Party of the right hon. Gentleman. The Irish Members were accused of fractiousness in not always falling in with the designs of the Liberal Party when in Opposition; but they had never been able to reach that pitch of inveterate animosity to the policy of the Government of the day which could at all equal the system of wholesale denunciation which was adopted by the present Premier when he left the out-of-office Party of this country. Her Majesty's Government had told the House that the Armenian Question was the next to be taken up. He (Mr. O'Donnell) sincerely trusted that they were not on the verge of another diplomatic agitation upon foreign affairs to take off the attention of the Government from pressing internal reforms which still remained to be effected. Many of those reforms had been put aside by the present Administration. They were now going to settle the affairs of Armenia. By what means were they going to do it? Where was their Army? In consequence of having adopted a vicious policy, the attention of their troops was monopolized by the serving of processes in Ireland. He hoped that the statement of the Under Secretary of State had only been brought in by way of flourish to cover, with a decent veil, the unwise policy of Her Majesty's Government in regard to Home affairs.

Mr. LAING said, he was of opinion that the most important feature in the debate was the declaration made by the late Under Secretary of State for Foreign

Affairs (Mr. Bourke) that in reference to reciprocal obligations between India and Turkey, Turkey ought to be required to fulfil her obligations before England was called upon to fulfil hers. Turkey had failed to fulfil her obligations, and England was no longer bound, in the sense of being under any obligation, to come forward and take any part in a war in that portion of Asia Minor unless it suited her interest to do it. In point of fact, the Anglo-Turkish Convention amounted to nothing more than that, in the event of certain contingencies, England might feel called upon to go to war for the preservation of the integrity of Asia Minor; but that there was no obligation upon her to undertake such a war. Such a declaration on the part of the Representative of the foreign policy of the late Government was satisfactory, and he did not care to scrutinize it too closely.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 27th June, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Burial Grounds (Scotland) Act (1855) Amendment* (131); Commons Regulation (Shenfield) Provisional Order* (132).

Second Reading—Local Government Provisional Orders (Acton, &c.)* (121); Summary Procedure (Scotland) Amendment (99).

Third Reading—Local Government Provisional Orders (Askern, &c.)* (115); Local Government Provisional Orders (Horfield, &c.)* (116); Bankruptcy and Cessio (Scotland)* (128); Post Office (Land)* (114); Newspapers* (101), and *passed.*

Royal Assent—Consolidated Fund (No. 3) [44 & 45 *Vict.* c. 15]; Land Tax Commissioners' Names [44 & 45 *Vict.* c. 16]; Tramways (Ireland) Acts Amendment [44 & 45 *Vict.* c. 17]; Petty Sessions Clerks (Ireland) [44 & 45 *Vict.* c. 18]; Local Government Provisional Orders (Berwick-upon-Tweed, &c.) [44 & 45 *Vict.* c. lxi]; Local Government Provisional Orders (Poor Law) (No. 2) [44 & 45 *Vict.* c. lxii]; Local Government Provisional Orders (Brentford Union, &c.) [44 & 45 *Vict.* c. lxiii]; Elementary Education Provisional Order Confirmation (Clay Lane) [44 & 45 *Vict.* c. lxiv]; Local Government (Ireland) Provisional Orders (Bandon, &c.) [44 & 45 *Vict.* c. lxv]; Local Government Provisional Orders (Halifax, &c.) [44 & 45 *Vict.* c. lxvi]; Local Government (Gas) Provisional Order [44 & 45 *Vict.* c. lxvii]; Local Government Provisional Order (Birmingham) [44 & 45 *Vict.* c. lxviii]; Local Government (Ireland) Provisional Orders (Ballymena, &c.) [44 & 45 *Vict.* c. lxix]; Local Government Provisional Orders (Cottingham, &c.) [44 & 45 *Vict.* c. lxx].

BALLYCLARE, LIGONIEL, AND BELFAST JUNCTION RAILWAY BILL. [H. L.]

THIRD READING.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3ª."

VISCOUNT TEMPLETOWN, in moving that the Bill be read a third time that day three months, said, that the rule which had been laid down by the House was that no new railway should be sanctioned by any Committee which was proposed to run alongside, or in close proximity to, an existing line of railway, unless it could be shown that the circumstances of the country imperatively required a new line. He contended, from his knowledge of the country through which this line would pass, that it was not required, the present railway affording all the accommodation which was necessary for all purposes. He had never heard any person say that this new line was wanted. It would also be an injustice to the existing line, as that line was constructed on the broad gauge, while it was proposed to construct the new line on the narrow gauge, at considerably less expense. For these reasons he should oppose the Bill.

Amendment *moved,* to leave out ("now") and add at the end of the motion ("this day three months.")—(*The Viscount Templetown.*)

THE EARL OF AIRLIE said, as Chairman of the Select Committee who had approved of the Bill, he thought that the noble Viscount had taken a most unusual course in moving the rejection of this Bill at this stage of its progress through the House. He would not complain of the Vote of Censure proposed to be passed upon the Committee. Whether they had fallen into an error of judgment in taking the course which they had done was a matter of opinion; but they had, he might say, fully investigated all the circumstances of the case during the four days on which they sat. As to the character of the opposition, he wished to point out to their Lordships that no landowner and no owner of property opposed the Bill. It was opposed only by two Railway Companies, of one of which the noble Viscount was Chairman, and of the other a Director. He complained of a statement which had been circulated among their Lordships by the opponents of the Bill, and pointed out that this statement was calculated to leave a false impression on the minds of their Lordships. The opposition of the noble Viscount now went much further than that of the learned counsel before the Select Committee, who desired that the section to Ligoniel should be made, as it would be of great public advantage to the country. The noble Viscount had not referred to the evidence given before the Committee, but had stated his own impressions of what he thought was necessary for the locality. It was contended that no narrow gauge line should be allowed to be made which would come into competition with a broad gauge line; but he could point to the fact that Parliament had allowed that to be done on several occasions. Again, although it was said that the new line would run very near to the existing line, yet the evidence showed that, from the peculiar character of the country, the district through which the new line would pass was not now in some cases served at all, and in other cases was very imperfectly served, by the existing line. The opponents of the Bill had also attempted to prove that the proposed line could not possibly pay; but their case on that point had entirely broken down. Another allegation was that the line was not to be made by local subscriptions, but by the money of a speculative company in London. That, however, was a strange objection to come from Irishmen, who were always asking for the development of the resources of their country by means of English capital.

Earl CAIRNS said, he trusted he should be able to show, in the few observations he had to make, exactly how this matter stood. Their Lordships, he thought, were much indebted to the noble Earl the Chairman of the Committee which had sat on that Bill for stating so clearly the view he took on that Question. He also acknowledged that their Lordships' House in ordinary cases of Private Bills exercised a wise discretion in not canvassing the decisions of the Committees to which they were referred, and in accepting those decisions as being probably the best that could be arrived at under the circumstances. But their Lordships had always reserved to themselves, whenever those Bills involved a matter of national and Imperial importance, the right of reviewing, whether at the third reading or at any other stage, the conclusion to which the Select Committee had come on the question. More especially had they done so on that very matter of the gauges of Irish railways. In 1846, after a Royal Commission had considered most deliberately the question of the difference of gauges, a general Act of Parliament was passed requiring that every railway constructed in Ireland should be constructed on a certain gauge; and it was made a penal offence to construct a railway on any other gauge, any Company which did so being subject to a very heavy penalty. It was not now a question whether the gauge decided upon was the best; but the fact was that all great undertakings had been carried out on such gauge, and it would be highly inconvenient if a change were made. He reminded their Lordships that the owners of the great systems of railway were put to great expense, both in the construction and the working of the railways, and it would be very unjust to them if, after they had gone to great expense to construct a line in a poor country, others should be allowed to construct a cheaper description of line in competition with them. He thought that his noble Friend the Chairman of the Select Committee would not like to take the responsibility upon himself of altering the general law of the Kingdom. The whole principle upon which these narrow-gauge lines were permitted to be made in Ireland was settled by the discussion which took place upon the subject in 1879, which led to certain railways being exempted from the general law. The national gauge was 5 feet 3 inches; but in mountainous districts, where the physical character of the country was such as to render the adoption of the national gauge impracticable, or where the district through which the railway ran was too poor to support it, there these narrow 3-feet gauge lines might be made; but he never heard that they could be made in districts where a wide-gauge line was already in existence. The question then arose as to who was to be judge of the circumstances of the district that were to justify the adoption of the narrow gauge; and in the debate on the Donegal Railway Bill it was arranged that an Inspector of the Board of Trade should visit the district and report to the Board of Trade whether the district was such as to justify the adoption of the narrow gauge; but no such inspection had been made in this case, and no Report whatever had been made. He understood, too, that the Select Committee had not been unanimous in agreeing to the Preamble of the Bill. There were, undoubtedly, places in Ireland where they could not have the wide-gauge railways; but to have them where there were already broad-gauge railways in existence would be a positive national evil. If this measure were to become law, a most dangerous precedent would be established, and it would be impossible to restrict this difference of gauge to Ireland alone. It would be extended, in course of time, to England and Scotland; and by doing so, they would abandon the principle which they had established by their general legislation. He, therefore, hoped that their Lordships would agree to his noble Friend's Amendment, and reject the present Bill.

Lord WAVENEY said, he should support the Bill on the ground that the peculiar circumstances of the case warranted a departure from the rule requiring all Irish railways to be made on one gauge. He contended that the existing lines and the proposed line were not side by side, but separated by a considerable extent of ground. The new line would tend to develop the trade of the district. With reference to the Reports from the Board of Trade, he would remind their Lordships that they had been frequently set aside for inaccuracies; and as regarded the general law, the Chairman of Committees almost every day set it at nought in respect to the baronial guarantees.

The Earl of REDESDALE (Chairman of Committees), in opposing the Bill, said, he was convinced that nothing could be more unfortunate for Ireland than that the contests between broad and narrow gauges involved in this Bill should be allowed to commence.

Lord CARLINGFORD said, he supported the Bill, believing that the opposition to the introduction of narrow-gauge railways into Ireland made by the noble Earl was due to a misconception on his part of the wants of the country. He was also of opinion that the opposition to the Bill rested upon no grounds of public policy whatever; but was merely the opposition of one Railway Company to a scheme carried out by another. The line which would be constructed if the Bill were passed would form a link of 13 miles, connecting two narrow-gauge lines. If, therefore, the line were to be made at all, being, as it was, largely desired by the neighbourhood, it must be on the gauge set down in the Bill. He held that the Bill did not violate any principle of public policy, and maintained that it would be very unwise for their Lordships to override the decision of the Select Committee by whom the subject had been considered.

The Earl of LIMERICK said, he regretted that this question had not been debated on the second reading, because they were now placed in a most difficult position, their own Committee having reported in favour of the Bill. He did not think that the reasons offered by the noble and learned Earl (Earl Cairns) were sufficient to override the deliberate decision of the Committee.

Earl GRANVILLE said, he entirely agreed with the opinion expressed by the noble Earl (the Earl of Limerick). The general principle ought to have been contested on the second reading of the Bill if it were objected to, and not at this stage, and their Lordships then ought to have refused either to sanction the second reading or have given some general instructions to the Committee. The rejection of the measure now would inflict great injustice on the promoters of the scheme and on those who seemed to profit by it. He had been told that a Parliamentary summons, announcing that the noble Viscount intended to move the rejection of the Bill, had been issued. If his information was correct, he must say that he deprecated the step that had been taken in issuing a summons of that kind on such an occasion. When first he entered the House of Commons canvassing on Private Bills was the practice was the cause of great scandals, and was put down with difficulty. The House would be ill-advised if it should agree to the Resolution of the noble Viscount, the Chairman of the defeated railway. The Bill had been passed by a Select Committee, before whom counsel had represented both sides of the case; whereas, on this occasion, they had had one of the ablest counsel, well instructed to speak on one side with no learned person to reply. Ever since he had been in their Lordships' House he had supported the authority of the Committees; and he was afraid that, if their Lordships were to develop a habit of throwing over their Committees, great reluctance would soon be shown by individual Members of their Lordships' House when asked to serve on Select Committees.

On question, that ("now") stand part of the motion, *resolved* in the *affirmative;* Bill read 3^a accordingly, and *passed,* and sent to the Commons.

ARMY—BRITISH CEMETERIES IN THE CRIMEA.

QUESTION. OBSERVATIONS.

The Marquess of HERTFORD, in rising to call the attention of Her Majesty's Government to the state of the cemeteries and monuments of those who fell in the Crimean War; and to ask the Secretary of State for Foreign Affairs whether any addition will be made to the annual allowance now granted for their maintenance, the present sum being found quite inadequate for the purpose? said, that the subject of which he desired to speak concerned the treatment of the revered remains of our fellow-countrymen who died in the Crimea in the service of their Queen and country, and he was sure would therefore enlist their Lordships' sympathy. He had no intention of casting blame on the Government or on their Predecessors. On the contrary, he had reason to be satisfied with the courtesy with which the Secretary of State for Foreign Affairs had treated the representations he had thought it his duty to make to him. During the summer of last year, when at Constantinople, he visited the British cemetery at Scutari, and had reason to admire the beauty of the place and the perfect manner in which the graves and monuments were preserved. From Constantinople he went to Sebastopol, and visited the cemeteries on Cathcart's Hill; but there he found a different state of things; the gravestones and monuments in the smaller cemeteries had been greatly neglected, they were broken in various places, and the graves presented an aspect of lamentable desolation. He did not, however, wish their Lordships to think that there was anything very serious the matter; but he certainly found even the principal cemetery which contained the remains of Sir George Cathcart, General Strangways, General Goldie, and many other distinguished officers, much overgrown with weeds, and it was evident that nothing had been done even there for months. He could not see the guardian, who was a German; but his wife informed him that they had no tools to work with, and she assured him that the £25 allowed them by the Government hardly enabled them to keep their children in food, and that they could buy no more tools. He then went to the two neighbouring cemeteries devoted to the Light Division, and there he found the same neglect, although, as there was no pretence of keeping up a garden there, it was not necessary to mow the weeds; but many tombstones were displaced, and the outer walls beginning to crumble away. The French had a fine cemetery not far distant, for which they allowed £144 for the guardian, and £50 for the maintenance of the walls and tombs; while the Russians had a magnificent Greek church, 100 feet high, on the north side of Sebastopol, for which they had paid £40,000, and for the monuments £14,000 more. Why, he would ask, should this country be behind those two nations in taking care of the remains of those who had died in their country's service? When he came home he placed himself in communication with the noble Earl the Secretary of State for Foreign Affairs, and also with General Sir John Adye, the present Surveyor of the Ordnance, who had been sent out to the Crimea in 1872, with Colonel Gordon (Chinese Gordon), to report upon the graves. Sir John Adye afforded him every assistance, and he found that by their advice £4,000 had been expended in removing the tombstones from about 130 cemeteries into six or seven, the principal ones on Cathcart's Hill, and that there had been an allowance of £30 for maintenance, and of £25 for the guardian, making altogether £55 a-year. That, he was happy to say, had now been increased by £25, making altogether £80 per annum. Grateful as he felt for that increase, he must still maintain that it was not sufficient. It was ample for the principal cemetery; but it was not enough to keep up the Light Division cemeteries, for which a lump sum was required on them of, say, £500, or even £1,000, for building stone walls, strongly cemented with mortar, or an iron railing, or for digging a deep haha ditch round them to keep out the herds and flocks. There was also no garden for the custodian, and a well to be sunk, all of which would cost money. For what had already been done he tendered his thanks in the name of the Army; but he must maintain that it was insufficient, and he hoped that the allowance would be increased.

THE EARL OF MORLEY said, he hoped the noble and gallant Marquess would forgive him if he answered his Question instead of his noble Friend the Secretary of State for Foreign Affairs. It was perfectly true that the management of the cemeteries was under the control of an officer who was attached to the Foreign Office; but the subject was more connected with the Office which he represented in the House than with the Foreign Office. He was sure that no one in that House would be surprised at the anxiety manifested by the noble and gallant Marquess that the cemeteries in which their brave soldiers were laid should be maintained with reverence and care. That was a feeling shared by himself, and, he thought, by all his countrymen, and not least by the present Government and the Secretary of State for War, who had a deep personal interest in those cemeteries. The noble and gallant Marquess had spoken from personal experience. But he would remember that Questions had been asked in the course of last month of his right hon. Friend the Secretary of State for War as to the condition of these cemeteries. Certain accounts, which appeared to be exaggerated, had been published in the newspapers. His right hon. Friend promised to make inquiries of the Consul General at Odessa. Since that Question had been put to his right hon. Friend he had received a letter from the Consul General, dated May 11, and addressed to the Secretary of State for Foreign Affairs. He need not read the letter, as a letter from the Consul General containing the same information had appeared in *The Times* of June 6. Mr. Stanley in that letter said that the accounts which had been given were absolutely inaccurate. Mr. Stanley had visited the cemeteries, and especially Cathcart's Hill, and described them as in good condition. The wall, which had been broken down in one or two places, had been repaired. One monument was slightly and another seriously injured by the action of the frost; but he had taken care that all proper repairs should be executed. Considerable sums had been expended in improving the condition of these cemeteries after Sir John Adye's visit in 1875. In all, some £4,000 had been spent. The annual sum paid as salary and for annual repairs to the custodian had this year been raised from £55 to £80, and the Consul General at Odessa was of opinion that that sum was sufficient for the purpose. He fully sympathized with what had fallen from the noble and gallant Marquess, and he could assure him that everything would be done by the Government to maintain the cemeteries in good order; but he did not think there was any necessity, at the present time, to vote any additional sum for the purposes mentioned in his Question.

THE DUKE OF CAMBRIDGE said, he had no doubt that one feeling only would be entertained by all classes of the community, and that was that these cemeteries should be properly maintained. A great deal depended upon those who looked after these cemeteries; there was more in this than in anything else. A small sum judiciously laid out at the proper time, with proper supervision, was what was required. He was quite sure that if any further sum was needed it would be cheerfully given to show honour to the dead who had fallen in the interests of their Sovereign and the country. He was satisfied that if the Consul General at Odessa were called upon to exercise the necessary supervision, very little additional money would be needed,

SUMMARY PROCEDURE (SCOTLAND) AMENDMENT BILL.—(No. 99.)

(*The Earl of Dalhousie.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said, the object of the Bill was to make the Law of Summary Procedure in Scotland more uniform, to regulate the amount of costs payable on conviction, and also to confer on the Courts of Summary Jurisdiction a certain amount of discretion to mitigate the penalties in the various cases which might be prosecuted. The Summary Procedure Act of 1874 revised the machinery applicable to all cases of summary procedure, but not so completely as should be the case, and the result was that prosecutions took place under a variety of Acts as well as Common Law, consequently the proceedings were not uniform. The Bill was also to enable a limit to be placed upon the costs of conviction, for the reason that at present they were frequently excessive, and there was no power on the part of the Judge to diminish the costs which were incurred. For instance, the other day a man in Aberdeenshire was fined £1, and the costs amounted to no less than £5 6*s*. 2*d*., and as the man was unable to pay that sum he was committed to prison. Again, three persons were convicted at Peterhead for offences against the Weights and Measures Act. The offences were very venial, as was shown by the amount of the fines, the total for the three defendants being only £2 15*s*. 6*d*.; but the amount of costs came to no less than £57 6*s*. Under such circumstances as that, their Lordships would readily understand that the difference between the amount of the fines and the costs created great discontent amongst the people. There was also very great discontent about the present state of the law, because if the offence was serious enough to have the prosecution taken at the instance of the Lord Advocate, the defendant was not cast in any costs whatever. Another object of the Bill was to assimilate, to some degree, the Scotch and English law by adopting the several provisions of the Summary Jurisdiction Act of 1879, which gave great discretion to the Courts with regard to the mitigation of punishment. That was very much wanted, because, as he had said, the law was so defective now that if an offender under the Act, however venial the offence, were convicted, he must be sentenced to the exact amount of imprisonment prescribed by the Act. The Judge had no power to vary it, or even to dispense with hard labour and sureties for future good behaviour. The draft of the Bill which he asked their Lordships to read a second time had been considered by all the Sheriffs in Scotland, and they had one and all reported favourably upon it.

Moved, "That the Bill be now read 2ª."—(*The Earl of Dalhousie.*)

Motion *agreed to*: Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

House adjourned at half past Seven o'clock till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 27th June, 1881.

MINUTES.]—PUBLIC BILLS—*Committee*—Land Law (Ireland) [135]—R.P.

Committee—Report—Presumption of Life (Scotland) (*re-comm.*) * [191].

Committee — Report — Third Reading—Court of Bankruptcy (Ireland) (Officers and Clerks) * [189], and *passed*.

Considered as amended—Tramways Orders Confirmation (No. 3) * [169].

Considered as amended — Third Reading—Coroners (Ireland) [187], and *passed*.

Third Reading—Commons Regulation (Shenfield) Provisional Order * [183], and *passed*.

Withdrawn—Medical Act (1858) Amendment * [22].

QUESTIONS.

CENTRAL ASIA—ADVANCE OF RUSSIA.

VISCOUNT SANDON asked the Under Secretary of State for Foreign Affairs, Whether he is now in a position to state what is the number of the population and the extent of the territory of the

Tekke Turcomans recently annexed to the Russian Empire; whether he can give an approximate estimate of the distance of the new frontier of Russia from the boundaries of Afghanistan, and also from Herat; and, whether he will obtain such information from Her Majesty's Embassy at St. Petersburg as will enable him before the end of the Session to place a map in the Library of the House showing the extent of this important extension of the Russian Empire in Central Asia?

SIR CHARLES W. DILKE: Her Majesty's Chargé d'Affaires at St. Petersburg has been informed by the Russian Minister for Foreign Affairs that the territory annexed to Russia is the Tekke Oasis, including Askabad, that the boundaries are not yet marked out, but that the delimitation is in course of execution. I am informed that the distance from Askabad to the Afghan Frontier is about 190 miles, and from Askabad to Herat about 310 miles. Her Majesty's Chargé d'Affaires at St. Petersburg will be instructed to send home any map that may be published in Russia showing the boundaries of the annexed territory, and a Copy shall be placed in the Library.

VISCOUNT SANDON: Is Askabad at the present moment the boundary of Russia?

SIR CHARLES W. DILKE: We do not know; but Askabad is the furthest point that has any name on the map.

TRADE AND COMMERCE—THE FRENCH DUTY ON RICE.

MR. CARBUTT asked the President of the Board of Trade, Whether, in the Return by the Board of Trade on the 27th May on the French Tariff, it is stated that rice has been freed from duty; whether this is not a mistake; and, whether the duty is not about 15 per cent. on the value of rice coming from England, whereas rice coming from Italy is admitted duty free?

MR. CHAMBERLAIN, in reply, said, that rice coming from the country of production was under the French Tariff free from duty; but coming from some other country there was a *surtaxe d'entrepôt* placed upon it, which would amount to about 15 per cent. It was not upon rice only that this *surtaxe d'entrepôt* was placed, but upon other articles also which did not come from the country of production.

MERCHANT SHIPPING ACT—CREW OF THE "FORT GEORGE."

DR. CAMERON asked the President of the Board of Trade, Whether seven of the crew of the merchant ship "Fort George," were, on the 22nd February last, sentenced by a naval court at Cerro Auzul to various terms of imprisonment for mutiny; whether they were taken on board a man-of-war to Callao to undergo that imprisonment; whether it was not the duty of the senior naval officer, under the Merchant Shipping Act, to inspect the prison to which it was proposed to commit them, and whether he ever did so; who interfered to protect these men from imprisonment in the noisome prisons of Lima or Callao; what finally became of the men; and, whether he has any objection to lay upon the Table of the House any correspondence relating to the subject?

MR. CHAMBERLAIN, in reply, said, it appeared that seven of the crew of the merchant ship *Fort George* were, on the 22nd February last, sentenced by a Naval Court at Cerro Auzul to terms of imprisonment varying from seven to 12 months for combining to disobey orders. They were taken on board a man-of-war in order to be brought to Callao to undergo imprisonment in the prison there. But upon arrival at Callao, Her Majesty's Consul reported that the prison was quite unfit for the reception of British prisoners. The Minister at Lima accordingly authorized the Consul to deal with the prisoners in accordance with the Regulations that had been issued by the Board of Trade. The Consul found that he had no alternative but to discharge the men, and they were accordingly set free. The Merchant Shipping Act did not make it absolutely, or in precise terms, the duty of the senior naval officer to inspect the prison to which he had committed prisoners, but required that the Court should be satisfied, either by personal inspection or some other way, that the prison was one in which British prisoners could be properly incarcerated. As to the Correspondence, he thought if his hon. Friend would communicate with him it would be hardly necessary to lay it on the Table.

ENDOWED SCHOOLS—FREE SCHOOLS AT BRIDLINGTON.

Mr. SYKES asked Mr. Attorney General, Whether he is aware that the Free Grammar School at Bridlington has been in abeyance for a period of nearly fifteen years, and that the Free Knitting School at the same place has been in abeyance for a period of eight years, and that, with regard to the former Institution, there should be an accumulation of funds to the extent of upwards of five hundred and sixty pounds and interest; and, with respect to the latter, one of upwards of three hundred and twenty pounds and interest; and, whether, in view of the fact that the Charity Commissioners have frequently been appealed to on the subject during the respective periods above referred to, but have apparently done nothing in the matter, there is any likelihood of any official scheme being speedily prepared for the protection and future government of the said Charities; and, if so, at what time such official scheme will be issued?

The ATTORNEY GENERAL (Sir Henry James), in reply, said, he believed the annual income of the two charities was £40, which was not found sufficient to carry on the work. Some years ago the accumulations were £564 in relation to the larger charity, and £245 in relation to the smaller. At the last communication which took place between the Local Trustees and the Charity Commissioners it was agreed that the accumulations were not sufficient to found the charities anew, for that, in fact, was what was required.

CHINA—COMMERCIAL TREATIES.

Mr. J. W. PEASE asked the Under Secretary of State for Foreign Affairs, Whether the Foreign Office have Copies of the Commercial Treaty recently entered into between Germany and China which was read to the assembled Parliament at Berlin on the 23rd May last, and the Treaty recently entered into between Russia and China; and, whether he will lay Copies of those Treaties upon the Table of the House?

Sir CHARLES W. DILKE: The German Treaty will be presented to Parliament. The formal Russian Treaty has not yet reached the Foreign Office, though we know its substance; but it will be laid on the Table as soon as a copy is received.

FISHERY PIERS AND HARBOURS (IRELAND)—PIER OR BOAT-SLIP ON THE MIDDLE ISLAND OF ARRAN, CO. GALWAY.

Major NOLAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If any Report has been made by the Inspectors of Fisheries on an application for a grant in aid of the erection of a pier or boat slip on the Middle Island of Arran, county Galway, and if he will say whether the work has been recommended by the Inspector of Fisheries; and, if so, has he any objection to lay upon the Table a Copy of such Report; if the fishermen of this island have volunteered to contribute a large sum towards such work; and, if he intends to recommend the Treasury to make a grant for the purpose under the Piers and Harbours Act?

Mr. W. E. FORSTER, in reply, said, that the Question ought to have been put to his noble Friend the Secretary to the Treasury. He had, however, been told that the Inspectors of Irish Fisheries had reported upon a draft plan for the erection of a pier, and had recommended the work. The estimated cost was £1,000, and the fishermen had raised £54 towards it. It was not usual, however, for the Board of Works to sanction the grant of any sum unless one-fourth of the amount had been subscribed, and in the present case the authorities could not proceed on the small sum referred to.

ARMY ORGANIZATION—THE MEMORANDUM—PURCHASE CAPTAINS.

Mr. O'SHAUGHNESSY asked the Secretary of State for War, If, under paragraph 43 of the Memorandum lately issued, purchase Captains promoted on July 1, 1881, are to be included in the rule rendering it necessary, under pain of cancellation of promotion, to pass examination before July 1, 1882; and, if he will consider the justice of exempting purchase Captains from such examination, bearing in mind that, by the 38th paragraph, 4th section, Queen's Regulations, 1873, Captains promoted before November 1, 1871, were declared entitled to exemption from examination when reported fit for promotion, and bearing in mind also that the examination has lately been made much more difficult than it was formerly? He also begged to ask, If, under the intended working of paragraph 81 of Revised Memorandum lately issued, purchase Captains over 42, on being offered promotion on 1st July 1881, and declining it, will be entitled, notwithstanding the non-acceptance of the offered promotion, to retire with the improved pension referred to in the note to the said paragraph?

MR. CHILDERS: In reply to my hon. and learned Friend I have to say that purchase captains promoted next month under paragraph 43 of the Memorandum will not be required to pass an examination if they are reported fit for promotion. In answer to the other Question, I have to say, Yes; these officers will receive the improved pension.

AFGHANISTAN—SUBSIDIES TO THE AMEER.

VISCOUNT SANDON (for Mr. E. STANHOPE) asked the Secretary of State for India, If he will state the total amount of the subsidies in money, independently of gifts of arms, which has been granted to the Ameer Abdur Rahman?

THE MARQUESS OF HARTINGTON: So far as can be ascertained from the letters and telegrams from India, the total amount which has been paid to Abdurrahman is rather more than 39½ lakhs. Of this sum, 9½ lakhs is money which was found in the Cabul Treasury when the city was occupied in October, 1879. In addition, the Ameer's Governor at Candahar is receiving a temporary subsidy of 50,000 rupees a month. This arrangement, I understand, is at present intended to continue for six months.

MR. MACFARLANE: Are these sums a gift or a loan?

THE MARQUESS OF HARTINGTON: The sums which have been given to the Ameer are a gift and not a loan. The sums, in English money, amount to nearly £390,000.

CENTRAL AMERICA—THE INTER-OCEANIC CANAL.

MR. W. HOLMS asked the Under Secretary of State for Foreign Affairs, If his attention has been called to an article in the "Panama Star Herald" of 24th May, giving the leading points of a Protocol signed by the representatives of Colombia and the United States, viz:—

> "1. That ships of war and military convoys of the United States may in peace or war pass through the Interoceanic Canal without payment of tolls:
>
> 2. In case the neutrality of the Canal is threatened, the United States are authorised to take military occupation of the Isthmus:
>
> 3. The ships of war of all other nations are not to pass through the Canal in time of peace without permission:
>
> 4. Colombia undertakes to enter into no negotiations concerning the Canal, or to alter the rules and regulations governing it, without previous accord with the United States;"

if he is aware whether this statement is correct; and, if so, whether such an agreement between Colombia and the United States is not a breach on the part of Colombia of the Treaty made in 1866 between that Country and Great Britain?

SIR CHARLES W. DILKE: The contents of the extract from *The Panama Star and Herald* have been reported to the Foreign Office. The Protocol in question, however, has been rejected by the Colombian Senate.

RELIEF OF DISTRESS (IRELAND) ACT, 1881—RELIEF WORKS.

COLONEL COLTHURST asked the Chief Secretary to the Lord Lieutenant of Ireland, If it has been brought to his notice that the funds available for relief works in Ireland are exhausted; and, if so, whether he will recommend a further advance to be made for such works as have been applied for and formally reported upon?

MR. W. E. FORSTER, in reply, said, he had made inquiry on the subject, and regretted to state there were at present no funds available for any relief work in Ireland which had not yet been begun.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. JAMES TUITE, A PRISONER UNDER THE ACT.

MR. T. D. SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will state why Mr. James Tuite, T.C. of Mullingar, is detained in prison as a suspect after Mr. William Farrell, J.P. who was arrested at the same time, in the same place, and for the same alleged offence, has been set at liberty?

Mr. HEALY said, that perhaps the right hon. Gentleman would state the grounds upon which Mr. Farrell was released?

Mr. W. E. FORSTER, in reply, said, that Mr. Farrell had been released on two grounds. In the first place, three doctors had given their opinion that his state of health was such as to render his imprisonment dangerous; and, in the next place, he was informed that Mr. Farrell had been the dupe of others. Mr. Farrell had been released on condition of his signing a document pledging himself that he would not do any act of violence, or incite others, directly or indirectly, to do such acts, and also acknowledging his liability to arrest in case he failed to comply with the conditions.

Mr. O'KELLY asked why Mr. Farrell had been arrested?

Mr. W. E. FORSTER said, the hon. Member would see the reason if he looked into the Warrant which was on the Table of the House.

Mr. T. D. SULLIVAN said, his Question had not been answered. He did not ask why Mr. Farrell had been released, but why Mr. Tuite was not released.

Mr. W. E. FORSTER said, the reason why Mr. Tuite was not released was that neither of the grounds alleged in the other case were alleged in his. It was neither said the protracted imprisonment would injure his health, nor that he had been the dupe of others.

Mr. O'DONNELL asked whether Mr. Tuite would be given the option of release on signing a similar document?

[No reply was given.]

ARMY—MILITARY STAFF CLERKS.

Sir H. DRUMMOND WOLFF asked the Secretary of State for War, Whether any increase of pay or position will be given to Military staff clerks other than superintending clerks employed in district head quarter offices; and, if not, whether he is prepared to grant them the ninepence a-day given to staff clerks employed in Royal Artillery offices?

Mr. CHILDERS: In reply to the hon. Gentleman, I have to say that increase both of pay and position will be given in these cases. All these staff clerks, whether employed in Artillery offices or not, will be treated alike; and besides certain advantages in their earlier years of service, the maximum pay is raised from 4*s.* 5*d.* to 5*s.* a-day, and the rank of Quartermaster General will be confirmed after six instead of nine years.

PRISONS (INDIA)—FLOGGING.

Mr. T. C. THOMPSON asked the Secretary of State for India, Whether prisoners in India ordered by the governors of prisons to be flogged have, in all cases, an opportunity of being heard in their defence before some person in authority independent of the prison executive?

The Marquess of HARTINGTON: The powers of a superintendent of gaols as to the infliction of corporal punishment for prison offences are regulated by different Acts for the various Presidencies, which Acts are supplemented by rules made by the local authorities. Throughout the Bengal Presidency, the superintendent is, by the Prisons Act 26, of 1870, empowered to order corporal punishment; but in case of repeated offences against prison discipline he is directed to bring the matter to the cognizance of a magistrate, who is empowered to hold an inquiry upon oath, and it is only in these cases that the prisoner has an opportunity of being heard before an independent authority. No corporal punishment is to be inflicted in any of the Presidencies except in the presence of the superintendent and with the sanction of the medical officer. I have already stated, in answer to the hon. Member for Dungarvan (Mr. O'Donnell), that the large number of corporal punishments in the gaols of Bengal has attracted the attention of the Governments of Bengal and of India; that Provisional Orders have been issued which have already had the effect of greatly diminishing their number; and that further inquiries have been instituted with the view of substituting, in many cases, a less objectionable form of punishment.

HIGH COURT OF JUSTICE (CHANCERY DIVISION)—DORMANT CAUSES—MONEY PAID INTO COURT.

Mr. S. LEIGHTON asked the Financial Secretary to the Treasury, Whether the Government will take steps to procure the publication of the following particulars in the future lists of the dormant funds in Chancery:—

Name of the cause or matter;
Cross refrences to sub-titles;
Names of persons supposed to be entitled, with last known addresses;
Amount of fund in court;
How long lying unclaimed?

LORD **FREDERICK CAVENDISH**: The Government do not propose to publish fuller particulars of dormant funds in Chancery. It appears to them that the information now given is sufficient for general purposes. The labour of preparing the list is already considerable, and should not be increased except on proof of necessity. In any case the Government could not undertake to offer an opinion upon such a point as supposed claimants.

BRITISH BURMAH—THE OPIUM TRAFFIC.

SIR **WILFRID LAWSON** asked the Secretary of State for India, Whether the measures recommended by Mr. Aitcheson, Chief Commissioner of British Burma, for prohibiting the traffic in opium, the consumption of which article he declares to be "affecting the very life of this young and otherwise prosperous province," have been carried out?

THE MARQUESS OF **HARTINGTON**: The principal measures recommended by Mr. Aitcheson, which are embodied in the draft Orders of the Chief Commissioner of British Burmah (*vide* page 17 of Parliamentary Return) have been carried into effect. The number of shops for the retail sale of opium has been reduced from 68 to 27, with effect from the 1st of April last. From the same date, also, the rates at which opium is supplied by the collector to a farmer, licensed vendor, or medical practitioner have been raised from 24 rupees to 28 rupees in Arakan and to 32 rupees a seer in Pegu and Tenasserim. Three other recommendations were made by Mr. Aitcheson in connection with this subject, which do not appear to have been adopted. They are as follows:—1. That opium should only be consumed on the premises, and that the possession of opium in any quantity, however small, outside the shops, except under a pass from the collector, should be illegal. 2. That habitual opium smokers should be placed under restraint and required to find security for their good behaviour. 3. That a Commissioner of Excise should be appointed for Burmah.

SIR **WILFRID LAWSON**: Can the noble Lord inform the House whether the shops which are to be closed are to receive compensation?

THE MARQUESS OF **HARTINGTON**: I am not aware of that.

MR. **O'DONNELL**: Have any similar complaints been made with regard to the extension of the traffic in the drug under Government auspices with any other part of British India?

THE MARQUESS OF **HARTINGTON**: I have no recollection of any such complaints having been made; but if the hon. Member will give Notice of his Question I will make inquiry.

POST OFFICE (TELEGRAPH DEPARTMENT)—HIGHLAND COUNTIES OF SCOTLAND.

LORD **COLIN CAMPBELL** asked the Postmaster General, To what extent the telegraph has been extended in the Highland Counties of Scotland since 1871; what is the total sum paid by these Counties by way of guarantee against loss consequent on such extension; how far have the guarantees covered the cost of extension and working expenses; and, whether, taking into consideration the benefits which are likely to result to these Counties by a further extension of the telegraph, he will consider the question of reducing in future the sums demanded by way of guarantee?

MR. **FAWCETT**: I find that 100 telegraph offices have been opened since 1871 in Scotland, and that 18 of these have been opened under guarantees. During the last year, out of 10 of these offices opened under guarantee there was a loss amounting to £236, which fell upon the guarantors. In eight there was a slight gain, amounting in the aggregate to £54, and consequently nothing had to be defrayed by the guarantors. I am anxious to extend, as far as possible, the advantages of telegraphic communication, and will carefully consider whether any means can be adopted, consistently with the interests of the Exchequer, to enable guarantees to be given on reasonable terms.

CORRUPT PRACTICES AT ELECTIONS—REPORTED MAGISTRATES.

Mr. CAINE asked Mr. Attorney General, Whether he can now state the result of the communications addressed by the Lord Chancellor to those magistrates who have been reported guilty of corrupt practices at Parliamentary Elections last year, or lay a Return upon the Table?

The ATTORNEY GENERAL (Sir Henry James): The Lord Chancellor having communicated with 27 Justices who have been reported to have been guilty of corrupt practices at the last General Election, 15 of these gentlemen have placed their resignations in his hands. As to the other 12, the Lord Chancellor has thought it his duty not to depend upon the Report of the Commissioners, but to inquire into every particular case himself on its merits. He will compare the statements made by the Justices with the evidence, which in some cases is very voluminous; and the delay that has arisen in the Chancellor arriving at a final decision arises from his desire that no injustice should be done.

Mr. CAINE: Has he accepted the resignations of the Justices?

The ATTORNEY GENERAL (Sir Henry James): I cannot answer. I only know that they were placed in the Lord Chancellor's hands.

Sir R. ASSHETON CROSS: Does the answer include any mayors or ex-mayors?

The ATTORNEY GENERAL (Sir Henry James): My impression is that the 27 gentlemen hold the ordinary Commission of the Peace. The Lord Chancellor has no jurisdiction over mayors, who exist by virtue of a Statute.

NAVY—ASSISTANT PAYMASTERS.

Mr. BIGGAR asked the Secretary to the Admiralty, Whether it is a fact that assistant paymasters, Royal Navy, have now fifteen years seniority and are thirty-six years of age before being promoted to the rank of paymaster; whether, when these gentlemen joined the Navy, promotion to paymaster was gained after nine years seniority; if these officers, whatever their seniority, are inferior in rank and position to the junior Lieutenant in the Navy; and, what steps, if any, the Admiralty propose taking to ameliorate their pay and position?

Mr. TREVELYAN: It is quite true that the senior Assistant Paymasters of the Royal Navy reached that rank in 1866, and that their age is, on the average, that stated in the Question; and it is true that between 1866 and 1868 promotion to Paymaster was gained after nine years in the lower rank. It was in consequence of this slowness of promotion that, in 1877, the pay of Assistant Paymasters was raised very considerably in the later periods of their service; so that the senior among them rise to 12*s.* 6*d.* a-day, instead of 10*s.*, an increase of £45 a-year. Meanwhile, the prospects of the whole class have been much improved by the great amelioration in the position of retired Paymasters. In 1861 the average retired pay of a Paymaster was £150 per annum. In 1881 it is £313. All Assistant Paymasters rank after Lieutenants. A Paymaster of 15 years' service ranks after a Commander. Assistant Paymasters have the option of going into the ward-room quite early in their career. There are only two ways of quickening promotion. One is by increasing the higher ranks; but in this case, out of 200 Paymasters, we have 30 still unemployed; and the Admiralty certainly could not consent—and I hope that the House would not permit them—to increase the number of officers above what is required by the Service in order to give promotion to those below them. The other method is for a Government, by stinting itself in patronage, to diminish the number of first entries. In 1865 and 1866, 51 and 45 youths were respectively entered in this line of Service, and the lists were hopelessly clogged in consequence, just as was the case during the same years with the executive lists of the Navy. But between 1869 and 1874 the entries were reduced to an average of five a-year. They then rose again to an average of nearly 30; but this year only 10 youths were entered, and that policy will continue to be pursued until the rate of promotion is again healthy and rapid.

POST OFFICE—TELEGRAPH FORMS AND POSTCARDS.

Mr. JACKSON asked the Postmaster General, If he will obtain specimens of the forms of telegrams used by other countries, and exhibit them along with the specimens of post cards?

MR. FAWCETT, in reply, said, he had no objection whatever to accede to the request.

POST OFFICE (TELEGRAPH DEPARTMENT)—TELEGRAPH CLERKS.

MR. O'DONNELL asked the Secretary to the Treasury, Whether he is aware that the telegraph clerks at numerous important centres have instructed their committees to furnish the Members of Parliament with copies of the objections of the clerks to the last scheme for the organisation of the Telegraph Department, so that Parliament may be in possession of such information previous to voting public money for the Government scheme; and, whether the clerks who furnish such information to Members of Parliament will be punished by exclusion from any benefits under the Government scheme?

LORD FREDERICK CAVENDISH: No, Sir. I have no knowledge, apart from the intimation conveyed by the Question of the hon. Member, of any such intention on the part of the telegraphists as that described in his first Question. As regards the supposed object of such instructions—namely, the information of Parliament, I would suggest to hon. Members that it is not the custom of this House when voting public money to depend for its information upon representations made to individual Members, but upon information open to all Members alike, which can be duly examined into and tested. With respect to the second Question, it is the wish of the Government that the scheme, which has been framed with great care by the Departments responsible for the Service with the view of promoting efficiency and of removing all causes of well-founded complaint, should be applied with as little delay as possible to the various offices throughout the country. It would, however, be impossible to acquiesce in the continuance of organized agitation, accompanied with threats of a general strike, unless claims which we cannot but regard as entirely inadmissible are conceded. If, therefore, such an agitation were to be continued, it may be necessary to suspend in particular cases the introduction of the new scheme. I trust, however, that no such necessity will arise.

MR. O'DONNELL: The noble Lord has not aswered my Question, which is, whether the clerks who furnished information to Members of Parliament will be punished by exclusion from any benefits under the Government scheme? I did not raise any question of strikes and agitation, and so forth, which I will be ready enough to consider when the time comes. It is a very simple and straightforward Question?

LORD FREDERICK CAVENDISH: I do not think it would be of any use to answer such a Question. A great deal depends on the character of the representations which were made; but I am not aware that the Government has any such intention as that stated by the hon. Member

MR. O'DONNELL: I have asked a Question which is strictly within my right to ask, and which I think the noble Lord is bound to reply to. I want to know, generally speaking, whether the clerks in the Telegraph Office who furnish information to Members of this House of the opinions of their body with regard to the Government scheme will be punished in any way by the Government? That is a simple and straightforward Question. If there are any exceptions, they can be dealt with exceptionally.

LORD FREDERICK CAVENDISH: The hon. Member asks whether telegraph clerks who furnish information to Members of Parliament will be punished. I cannot say that I am aware of any such intention.

MR. O'DONNELL: That is not the Question. The Secretary to the Treasury seems to be desirous of provoking a Motion for the adjournment of the House. I must distinctly ask him to answer the closing part of my Question—whether the clerks who furnished such information to Members of Parliament will be punished by exclusion from any benefits under the Government scheme?

LORD FREDERICK CAVENDISH: I have already stated that any action of Government must entirely depend on the manner in which the representations were made. These have been accompanied by very general threats of a universal strike, which might require the serious consideration of the Government?

Mr. O'DONNELL: Does the noble Lord intend to make this rule general, and does the Government intend to propose——

Mr. SPEAKER: The hon. Member has put his Question twice, and he has received an answer. He is not entitled to repeat his Question.

Mr. O'DONNELL: I was not about to repeat my Question. I was about to ask, in consequence of the nature of the reply received from the noble Lord, whether the Government intend to make the rule general; and whether they propose a curtailment of the salaries of all officials who engage in extra-official agitation—not only the lower class of officers, but also the higher paid officials?

Lord FREDERICK CAVENDISH: I am not aware how the Government can propose to make any rule general, seeing that no rule has been stated.

STATE OF IRELAND—ATTACK ON AN ORDNANCE SURVEY OFFICER.

Mr. TOTTENHAM asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is the case that a surveyor from the Ordnance Survey Office in Dublin, acting under the directions of Colonel Martin, R.E., proceeded to the estate of Colonel Simpson in the county Roscommon in March last, for the purpose of mapping certain lands for which a Landed Estates Court title was being sought; whether this surveyor and his assistant were attacked by a mob, their maps taken from them, and their escape effected with difficulty; whether this resistance to a Government official is in any way connected with a settlement of rent; whether the proceedings in the Landed Estates Court are still in abeyance pending the completion of the maps and survey; whether it is the case that the surveyor has applied for police protection; and, whether the constabulary authorities have informed him that a force of forty men will be necessary, and are about to furnish him with that escort?

Mr. W. E. FORSTER, in reply, said, that on the 24th of March last a surveyor and a bailiff, whilst proceeding to make a survey on the lands in question, were met by a number of women and children—eight or ten of them—who took their maps from them, and destroyed them. It was not considered, however, that this resistance had any connection with the payment of rent' as it was understood that the tenants had no objection to the survey being made when the pending proceedings as to title were determined. He (Mr. W. E. Forster) was not sware that the proceedings in the Landed Estates Court were in abeyance in consequence of the occurrence; and he was informed that no application had been made by the surveyor for police protection, and the Constabulary did not at present know where he was. The people who made the attack seemed to have been under the impression that until the title was cleared up nothing ought to be done upon the land.

STATE OF IRELAND—CURRAGH CAMP.

Mr. ARTHUR O'CONNOR asked the Secretary of State for War, Whether his attention has been called to the Curragh Camp Brigade Orders, No. 8, of the 11th instant, directing that certain carmen shall not be engaged by the military station at the Curragh for having refused to give their cars to the police; whether the military authorities claim the right not only to prevent certain persons from having access to the "stands" within the precincts of the Camp, but also to prevent passage through the Camp by roads which are in all respects public roads; and, if so, under what statute; whether his attention has been called to the Curragh Camp Brigade Order, No. 8 (B), of the 11th instant, which says,

> "The house of Mr. Brown, publican, Eyre Street, Newbridge, is placed out of bounds, in consequence of his having refused to serve a carman who had driven members of the Royal Irish Constabulary in charge of a prisoner to Naas;"

and, whether he approves of the same?

Mr. TOTTENHAM asked, whether it was not the duty of the military autho rities to prevent the access of all such suspected persons to the Camp; and, whether such rights were not under the jurisdiction of officers commanding the Camps?

Mr. CHILDERS: I have inquired, Sir, into the subject of the hon. Member's Question, and I am satisfied that in taking steps to meet attempted "Boycotting" on the part of carmen, the military authorities at the Curragh have acted properly. They have not stopped the public road through the Camp, known as the "XY" road. Mr. Brown has appealed to me denying that he had anything to do with "Boycotting," and I have sent his letter to the Commander of the Forces in Ireland, who will make further inquiries in the matter.

Mr. ARTHUR O'CONNOR asked, whether in 31 & 32 *Vict.*, c. 6, s. 8, there was an express proviso that the military authorities were not allowed to obstruct the public way over the Camp?

Mr. CHILDERS said, he had already stated that the military authorities had not stopped up any public road. He had looked carefully into what had been done by the military authorities at the Curragh, and he thought they had acted properly.

Mr. ARTHUR O'CONNOR desired to submit that the prohibition of the use of a particular road by certain carmen was the closing of the road to them.

Mr. CHILDERS said, he did not read it in that sense. He thought there was a distinction between that prohibition and the closing of a public road.

STATE OF IRELAND—AFFRAY AT BODEKER, CO. CLARE.

Mr. FINIGAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, during the recent affray at Bodeker, county Clare, one John Moloney was killed by a police constable; whether a coroner's jury returned a verdict of "wilful murder against a policeman not then known;" whether, since the coroner's inquest, informations have been sworn as to the identity of the police constable; whether, under a warrant granted by Mr. O'Hara, R.M., the police constable was arrested; whether he is now a prisoner in Ennis Police Station; whether a further investigation has been ordered; and, whether the Crown intends to prosecute without further delay?

Mr. W. E. FORSTER pointed out that this Question concerned legal proceedings, and that it ought to have been asked of his right hon. and learned Friend the Attorney General for Ireland. He believed, however, his right hon. and learned Friend would make the same reply as he must make, that as a magisterial investigation was being held in this case, he must respectfully decline to answer the Question.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—PROCLAMATION OF WATERFORD.

Mr. R. POWER asked the Chief Secretary to the Lord Lieutenant for Ireland, If he can state the number of agrarian offences that have been committed in the county of the City of Waterford since the 1st of January 1881?

Mr. W. E. FORSTER: I am informed that there has been one case of serious assault at a fair, and one bad case of intimidation. But I must say that the number of agrarian offences committed in any specified place is not the sole ground on which action can be taken by the Government in proclaiming a district. They must consider the information they have in regard to the probability of a disturbance of the peace, and the general necessity of the place being proscribed under the Act. The Government thought it necessary, in proclaiming the county of Waterford, that the city should be included.

Mr. LEAMY asked the Chief Secretary to the Lord Lieutenant of Ireland, what he meant by saying it was necessary to proscribe the city of Waterford? According to the Act a person could be arrested in any part of the county.

Mr. W. E. FORSTER: The city of Waterford is the capital of the county, and the House will well understand that, if steps were taken to organize a system of intimidation in the county, it will be exceedingly probable that the headquarters of such organization would be in the city of Waterford itself.

Mr. LEAMY asked if the right hon. Gentleman was aware that the city of Waterford was itself a county; and whether the same argument would not apply to the county of Kilkenny?

Mr. W. E. FORSTER: I am aware of that, or else this Question would not have been asked.

Mr. O'DONNELL asked whether the right hon. Gentleman meant to say that he could give no other reason why a city of 30,000 inhabitants had been proclaimed, and the people deprived of their Constitutional liberties, than that an assault had been committed at a fair?

Mr. W. E. FORSTER: I think the hon. Member cannot have read the Question which was put to me. It does not ask why the city was proclaimed, but what was the number of offences committed.

Mr. O'DONNELL said, he was very sorry to have no other alternative than to ask further explanations, and in order to allow the right hon. Gentleman to answer he would conclude with a Motion. So far as they could see, the Chief Secretary had not acted according to the pledges he had given the House on the passing of the Coercion Act. The Government dictinctly pledged themselves to use the powers given them only in exceptional circumstances demanding those powers. They had not the slightest indication that such exceptional circumstances existed in the city of Waterford. In fact, the county and city of Waterford were exceptionally peaceable, which was all the more creditable, considering that almost the whole of the county of Waterford had been scheduled as a distressed district under the Relief of Distress Act. On what representations had the Government proceeded? Had the magistrates of the county approved of what they had done? Had the Catholic clergy lent their support to the scheme for placing the city of Waterford outside the Constitution? They had heard nothing, but that an assault was committed in a fair, connected with an agrarian outrage. He believed there was not a city in England where similar outrages were not repeatedly committed, and yet they were not deprived of the privileges of the Constitution. He contended that, so far as the Government had explained the case, it was nothing short of an insult to the intelligence of the House and the whole Irish people to tell them that the commission of a single assault was sufficient for the proclamation of a large Irish county. He considered that the Government were bound to give a fair answer to the Representatives of the city of Waterford, to give some indication why this slur had been cast on the city and county. As representing a portion of the county of Waterford he felt bound to protest against this mode of dealing with the liberties of the Irish people. He would afford the Government an opportunity of giving some further information, and enable some of the Chief Secretary's Colleagues to supplement the very unsatisfactory explanation he had given. The Chief Secretary, it was perfectly evident, was not inclined to give any information in a conciliatory manner to the Irish Representatives. The right hon. Gentleman's conduct was designedly provocative. He begged to move the adjournment of the House.

Mr. HEALY, in seconding the Motion, said, he did not think that the reason why the city of Waterford had been proclaimed was that one assault had been committed in it within six months. He now proposed to give the reason. In the county of Waterford there was an estate of several thousand acres—he might say about 40,000 acres—which was owned by the Duke of Devonshire. The son of the Duke of Devonshire was a Member of the Cabinet, and, no doubt, it was very convenient to the gentleman governing that estate to have the power to put into gaol any of the troublesome Land Leaguers who prevented the Duke of Devonshire from getting his rents. The House would, perhaps, be somewhat surprised when he told them what had already occurred on the Duke of Devonshire's estate, and he thought, after that, they would agree with him that his view was not unfounded. Before the rise of the Land League there were such things as Farmers' Clubs. They were very harmless institutions, which sometimes indulged in a dinner, and he did not know that they ever did any good, but they did not do much harm. They were the means of some little exhibition of public spirit; and, as a matter of course, the idea of a Farmers' Club existing on an estate where the Duke of Devonshire and his people reigned supreme was too much for the being who ruled there; and through understrappers, through bailiffs, through warners, and through agents, notice was given to the members of this Farmers' Club that it was very undesirable that these clubs should continue to exist in the county. Of course, the Duke would not evict a tenant; but their walls would not be repaired, their thatch would not be renewed; perhaps a little bit of arrears might be pressed a little harder; and the end of it was that the Farmers' Club went down. Now came this terrible Land League, and, of course, it was a much more formidable body, and they knew — because the League had much more information as to what was taking place in Dublin Castle than those in Dublin Castle had of the action of the League—that the Chief Secretary had issued a Circular to his myrmidons throughout the country, telling them, first, to report to him the names of the President, Treasurer, and Secretary of the Land League throughout the country; next, to get to know what sort of business was going on; and then, if there was any crime of which any Land League representatives could be reasonably suspected, at once to pounce upon the President, Treasurer, or Secretary. Nothing could be better for the gentlemen on the Devonshire estate, when these troublesome Land Leaguers were advising the tenants not to pay more than Griffith's valuation, than to tip the wink to have Mr. So-and-so, the President or Secretary of the League, put into gaol; and, therefore, he maintained it was not crime that had led to this proclamation, but a desire on the part of the Chief Secretary to help his noble Friends to get their rents.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. O'Donnell.*)

Mr. R. POWER said, he hoped the Chief Secretary for Ireland would give some explanation as to why the city and county of Waterford were proclaimed. During the debates on the Coercion Act, the right hon. Gentleman undertook that he would not use that measure in an arbitrary and unjust manner; but he maintained that upon this occasion he had done so. The city of Waterford contained 29,000 inhabitants, and in six months the right hon. Gentleman could only produce one case of assault, and two cases of alleged intimidation as having been committed in that population. He believed the county of Waterford was proclaimed in order to arrest the Secretary of the local branch of the Land League. There was not in Ireland a city so quiet, nor a county in such a peaceful condition; but the right hon. Gentleman seemed determined that he would treat a peaceful district in the same manner as a district where, undoubtedly, disorder or outrage might exist. He believed the right hon. Gentleman did not fully appreciate the gravity of the situation in Ireland. He did not know to what courses he was driving the people of that country. If he wanted to make the county and city of Waterford disturbed, he could not have adopted a more effectual means than by suspending the liberties of the people. When speaking to the farmers of Waterford some time ago, he remembered they said to him—"We have a branch of the Land League, and we are determined to work within the lines of the Constitution. We shall not allow upon our platform any man who uses rash or violent language, because he may compromise us, and we may then be placed under the Coercion Act." The right hon. Gentleman could not point to one speech delivered in Waterford in which outrage was not denounced, and in which Constitutional agitation was not advocated. There was, he was sorry to say, a feeling in Ireland, entertained by a very large portion of the population, that the Government by their acts were seeking to drive the people into open revolt. The people of Ireland, however, had learnt a lesson from experience. They tried rebellion in 1798, and again in 1848, and they were not so foolish now as to be goaded on by the action taken by the Government, and which the right hon. Gentleman could not explain, for how could the taking away of Constitutional rights of thousands of people be justified by the commission of two or three crimes? He had never sympathized with the course of procedure now adopted, and he would not have joined in it but for a strong sense of the duty which he owed to his constituents. The Government, by acts of this description, were playing into the hands of the enemy. If they thought they could sustain their power by bayonets, informers, and policemen, they were mistaken, because it could never be sustained for any length of time upon such a basis. These miserable and tyrannical acts would alienate instead of conciliate the affections of the people, without which their power would never exist. He trusted a division would be taken on the Motion, as a protest against the action of the Government.

Mr. W. E. FORSTER: It is impossible for me or for the Government to give a full answer to the Question which has been put. The House, in intrusting to us the great power it gave us under the Protection of Person and Property Bill, showed that it had confidence in the Government in the administration of that power. [*Laughter.*] A majority of the House has given us that confidence; and they are doubtless aware that the very essence of the measure requires us to act without, in all cases, giving the grounds and reasons for our doing so. If a Vote of Censure in reference to this, or any other case, is brought forward, the Government will be prepared to meet it. But the House at either side will not expect me to take any notice of the extraordinary grounds for what we have done which have been put forward by the hon. Member for Wexford (Mr. Healy).

Mr T. D. SULLIVAN said, that the right hon. Gentleman had stated that the House had placed trust in the Government when they passed the Coercion Acts. So far as his testimony was concerned, that trust had been grossly abused. The Coercion Act was used in Ireland in a manner that had never been foreshadowed by the occupants of the Treasury Bench. The arrests in Ireland were made upon trivial grounds, they were wanton and tyrannical, and they were creating, very naturally, the greatest possible exasperation. Men like Mr. Farrell, as to whom he had asked a Question, had been so arrested, and now they heard that he had been released on giving an undertaking not to do again that of which he had never been guilty —namely, inciting people to violence and disorder. On the contrary, he had himself more than once heard that gentleman urging upon the people the necessity of their keeping within the limits of the law. The Government had made an unfair use of an Act which, he believed, was vilely and foully abused every day.

Mr. LEAMY said, the right hon. Gentleman the Chief Secretary had stated that there were but two cases of outrage in the county, and he would like to ask hon. Gentlemen opposite if the Constitutional liberties of 125,000 people were to be taken away because of those isolated cases? They were told, again and again, that the need for the Coercion Bill was the difficulty of obtaining evidence; but he would refer the right hon. Gentleman to two Charges made by Judges recently in the county, and he defied him to find anything in those Charges which would justify him in the action he had taken. But it was said that people might be plotting in the city of Waterford to commit crime in the county, and that that was the reason the Proclamation was issued. That, however, would be a reason for proclaiming every city and county in Ireland. Hon. Members might think the course they were taking was inconvenient; but they did not know Waterford as he knew it. He himself was born and bred there; and he challenged the Chief Secretary to find in any part of Ireland a more peaceable city. Did not the police records show it? Did not the absence of crime show it? He contended that a more tyrannical, unjust, or cowardly abuse of power he never saw. When the Chief Secretary first went to Ireland, he believed that the right hon. Gentleman intended to do the Irish people justice. He feared the right hon. Gentleman would fail; but he gave him credit for the best intentions, and thought that any English gentleman would cut off his hand before he would sanction, as the right hon. Gentleman had done, the infamous Police Circular which had recently been issued. One of the worst characters in Irish history was Armstrong, who went into the houses of his victims, sat at their boards, took their children on his knee, and then betrayed them; and a Circular pointing out that man as a type of an Irish police officer was sent out, and the Chief Secretary never protested against it. He could assure the right hon. Gentleman that though he felt it his duty to protest against the proclamation of Waterford, he knew his fellow-citizens too well to fear that the abuse of his power by the Chief Secretary could have any effect on them, and make them do anything that was unworthy of them. The only effect it would have would be to stimulate the spirit of nationality and a desire to bring back the independence of Ireland.

Sir JOSEPH M'KENNA said, he hoped his hon. Friends would not carry this Motion to a division; but if they did so he should certainly vote with them. He had never been more surprised in his life than at the proclamation of Waterford City; and with regard to the county, of which he was a magistrate, he must testify to its almost universal peace.

Mr. T. P. O'CONNOR said, he thought it was rather cruel for his hon. Friend the Member for the City of Waterford to allude to the case of the Shearses in the presence of the right hon. Gentleman. A description was given some years ago, in one of the Dublin newspapers, of a visit of the Prime Minister to the spot where these unfortunate brothers were executed, and it was stated that when their sad story was related to him the right hon. Gentleman displayed very considerable signs of emotion. When the Prime Minister visited the tombs of the Shearses he could scarcely have anticipated that he would be the Colleague of that Brummagen Castlereagh, the present Chief Secretary to the Lord Lieutenant; or that the spy, the informer, and the lying and traitorous friend would be the chief instruments on which a Liberal Government would rely for preserving order in Ireland. A Liberal Ministry, however, was now shamelessly employing such means in order to restore in Ireland such order as was once restored in Warsaw by the Agent of a Liberal and friendly Administration. It would be impossible to descend to a more foul, and unfair, and cowardly use of the powers which the House had given to the Government than that which had been made of them by the Administration of Ireland. Referring to the impressment of cars for police service at Tullamore, he said it was a policy which would commend itself to the Tories, but which they could not expect from a Liberal Government. However, he rejoiced in the conduct of the Chief Secretary in the matter. It was preparing the way for their final triumph. In 12 months the Chief Secretary had done more to consolidate and render certain the future of the Party led by the hon. Member for the City of Cork (Mr. Parnell) than could have been done by 10,000 agents of insurrection and sedition. The Liberal Government would reap all the shame, and that Party, in the future, would reap all the benefit of the policy of the right hon. Gentleman.

MR. BLAKE, as one of the Members for the County of Waterford, protested against the very unjust and most unnecessary measure of proclaiming that county, which he considered unwise and unjustifiable. He could bear testimony, from personal experience, that the city was peaceable; and he should join with his hon. Friends in dividing, in order to show his protest against such an uncalled for step.

MR. PARNELL reminded the House that it had been alleged, as an argument for the Coercion Bill, that intimidation was so rife in Ireland that no jury would convict, even on the clearest evidence. Now, he held in his hand a Return of the number of criminal cases tried at the last Waterford Assizes, and was able to inform the House that they were 39 in number, that eight of the cases tried ended in acquittals and 30 in convictions, while the jury disagreed in only one instance. However, everyone knew that the Chief Secretary had not retained a shadow of regard for the reasons originally given by him for the Coercion Bill, but was determined to pursue the shameless course he had begun.

MR. BIGGAR said, he never knew a case in which the facts less justified the action of the Government than this. In Dublin, which was proclaimed a short time since, only a few outrages took place in six months to which the Coercion Bill would apply. A more peaceable community did not exist in the world than in the city and county of Waterford. Nothing could be more notorious than the absence of anything approaching to violence or illegal agitation in the county. But the Chief Secretary was ignorant of all matters connected with Ireland; and he was never likely to be anything else, because he did not want to learn.

MR. ARTHUR O'CONNOR said, that the confidence placed in the Government when it demanded extraordinary powers had been outraged and violated. The midnight marauders and the village ruffians and village tyrants —the original objects of the Coercion Bill—were perfectly safe. There was not a single landlord in prison; but the men who were arrested were not arrested on account of any criminality, but simply and solely because they were energetic and efficient members of the Land League. The Queen's County—which had always been notoriously free from crime—had been proclaimed. Only two counties in Ireland—Wicklow and Louth—could compare with it, for only at last week's Sessions the presiding Judge had to inform the Grand Jury there was nothing to engage their attention. Since the proclamation of the county Limerick, three men had been arrested, including Patrick Doran—and a greater favourite or more respectable or esteemed citizen could not be imagined; but it was clear he was arrested simply because he was the Vice President of the Land League. An efficient member of the League in Queen's County was just arrested. Though the Government might arrest every President, Vice President, Secretary, and Treasurer of the Land League in Queen's County, the Land League would not be suppressed. Immediately that Patrick Doran and his friends were arrested, others were ready to take their places; and if all the men in the district were arrested, it would be found that the business of the League would be carried on by the women of the country. The Land League might be made an illegal association; but do what they would, the Government could not put down land meetings. Whenever two farmers met there would be a land meeting; and this state of things would continue until this infamous landlord rule had been removed.

Question put.

The House *divided*:—Ayes 28; Noes 305; Majority 277.—(Div. List, No. 267.)

FRANCE AND TUNIS—RIGHTS OF BRITISH SUBJECTS.

Mr. T. BRUCE asked the Under Secretary of State for Foreign Affairs, Whether British subjects will be entitled to apply to the French Government should they be dissatisfied with the action of the French Consul in his capacity of Minister of the Bey of Tunis?

Sir CHARLES W. DILKE: British subjects would not, under any circumstances, apply to the French Government. If they have occasion to complain they would address themselves to Her Majesty's Agent and Consul General, who, if he considered that the circumstances required it, would report the case to Her Majesty's Government. If it should prove that the Treaty rights which the French Government have undertaken to respect had been disregarded, Her Majesty's Government would then make such representations as they might consider necessary through Her Majesty's Ambassador at Paris; but much would depend on the actual circumstances of the particular case, and Her Majesty's Government cannot undertake to pledge themselves beforehand as to the course they would pursue.

Lord RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, If he will lay upon the Table of the House the Correspondence which passed between the English and Turkish Governments in 1870 and 1871, with respect to the Firman issued in 1871 by the Porte to the Bey of Tunis?

Sir CHARLES W. DILKE: Yes, Sir; there will be no objection to that course.

POST OFFICE (IRELAND)—CRAUGHWELL TELEGRAPH OFFICE.

Mr. HEALY asked the Postmaster General, Whether the statement is true that the Craughwell Telegraph Office has had to be closed owing to the arrest under the Coercion Act of Mr. E. J. Barrett, the telegraphist; whether he will in future arrange with the Irish Executive that no further telegraph clerks shall be so arrested until the Post Office authorities have been first notified, and arrangements made for promptly filling up the arrested official's place; and, whether he will inform the House, in view of future arrests, what course the Department intend to take towards their officials imprisoned on suspicion, whether they are to be reinstated on their release, and maintained or paid, while confined, by the Post Office, if their previous official record has been satisfactory?

Mr. FAWCETT: In reply to the hon. Member, I have to state that in consequence of Barrett's arrest the Craughwell Telegraph Office was closed on the 21st or 22nd instant; but it was opened again on the 25th. At the same time, it is right to state that Barrett was not a telegraphist on the Establishment, but an assistant employed by the local Postmaster. I do not think it would be expedient for me, as suggested by the hon. Member, to advise the Irish Government not to exercise until the Post Office has been communicated with in any particular case the power which recent legislation has placed at their disposal. In reply to the latter part of the Question, I am glad to say that no officer on the Establishment of the Post Office in Ireland has been arrested; and, so far as I am aware, there is no reason to suppose that any officer will be arrested. I do not, therefore, think that it is necessary to consider what should be done in the hypothetical case put by the hon. Member.

FISH SUPPLY (METROPOLIS).

MR. FIRTH asked the Chairman of the Metropolitan Board of Works, Whether the Metropolitan Board of Works were disposed to undertake to remedy the great defects in London fish supply, in view of the support promised by the Home Office to any well-considered scheme for that object; and, whether he is able, on behalf of the Metropolitan Board of Works, to state whether they are willing at once to undertake this important work on behalf of the people of London?

SIR JAMES M'GAREL-HOGG: In reply to my hon. Friend, I beg to assure him that the Metropolitan Board is fully sensible of the defects in the Metropolitan fish supply; and on Friday last, at my suggestion, referred the subject to a Committee for consideration and report, with authority to confer with the Home Secretary. Until the Committee has reported I am, of course, unable to say what steps the Board can take; but perhaps my hon. Friend may be satisfied at the present time to know that the matter will receive attention.

RELIEF OF DISTRESS (IRELAND) ACT, 1881—PIERS AND HARBOURS, IRELAND.

MR. ARTHUR O'CONNOR asked the Secretary to the Treasury, Whether he would have any objection to lay upon the Table of the House a Return showing the actual amount of money paid by the Board of Public Works in Ireland for each of the several Piers and Harbour works enumerated in the Return, No. 244, of the present Session, up to the date of that Return?

LORD FREDERICK CAVENDISH: The Return asked for by the hon. Member could be given up to any date required; but most of the works are being executed by contract, on which payments are only made periodically on account of work done, after deductions, according to the terms of the contract, varying from 10 to 20 per cent, and without any allowance for machinery or materials on the ground. The Return would, therefore, be so misleading that I think it would be useless to give it.

STATE OF IRELAND—ATTACK UPON THE POLICE AT CORK.

MR. DALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that, on the evening of Thursday the 9th of June, Mr. Thomas Travers (at present and for many years past engineer to the Cork Gas Consumers' Company at Cork) was wantonly assaulted by five policemen near the site of the old Cork and Passage Railway Station at Cork; whether it is true that, on the occasion referred to, Mr. Travers was standing on a small bridge, the only other occupants being a few little children, and that, seeing the policemen about to cross the bridge, Mr. Travers stood aside to allow them to pass, when the police attacked him, knocked him down, and beat him cruelly with their bâtons; whether it is true that, whilst down and being beaten, one of the policemen stabbed him in the groin with his bayonet, inflicting a severe and dangerous wound; and, whether, if the above-recited facts be correct, he will take steps for the prosecution of the perpetrators of this assault?

MR. W. E. FORSTER, in reply, said, the further inquiry which he had caused to be made had elicited no other information than that already given by him, to the effect that the police had no knowledge that the man referred to had been assaulted. The sub-Inspector reported that he heard no appeal for assistance at the time the bridge was cleared by the police, and had he heard such an appeal he would have attended to it. The hon. Member had observed that the bridge had been twice cleared, and that possibly the information he had referred to was the clearance of it when Mr. Travers was not there. He could not find anything, however, to support such a view, and the Constabulary reported that they were not mistaken as to the clearance. The bridge was cleared of a mob of persons. The Inspector had an interview with Mr. Travers, who said he appealed to Mr. Divon; but Mr. Divon must have heard his appeal if he had made it.

MR. O'KELLY wanted to know whether the right hon. Gentleman denied Mr. Travers' statement?

MR. W. E. FORSTER: I deny it on the information I have received; but I do not doubt that Mr. Travers believes in the truth of his statement.

Mr. DALY remarked, that if the right hon. Gentleman had received his information from the same source as he did his first information on this subject, very little reliance could be placed on it.

ARMY ORGANIZATION—THE NEW REGULATIONS—QUARTERMASTER AND COLOUR SERJEANTS.

Lieut.-Colonel MILNE-HOME asked the Secretary of State for War, If he is aware that by the intended new regulations, Colour Sergeants will become entitled to the same pension as Quartermaster Sergeants who belong to Class II.; and, if he proposes, therefore, to give a proportionate rise in pension to non-commissioned officers of that class?

Mr. CHILDERS: The hon. and gallant Gentleman is mistaken in assuming that Quartermaster Sergeants will be in Class II. They will be in the new Class I., and Colour Sergeants will be in the new Class II. The maximum pensions in these classes will be 2*s.* 9*d.* and 2*s.* 6*d.* per day respectively.

Colonel ALEXANDER: I wish to ask the right hon. Gentleman a Question of which I have given him private Notice, Whether it is still intended to give Quartermasters the honorary degrees of Captain and Major; and, if so, after what period of service?

Mr. CHILDERS: It is intended to give to Quartermasters the honorary and relative rank of Captain after 10 years' commissioned service. After 20 years' service (towards which two years' rank service counts as one), any officer retiring receives a step of honorary rank, so that almost all Quartermasters would retire as honorary Majors.

PARLIAMENT—PUBLIC BUSINESS.

MINISTERIAL STATEMENT.

Mr. GLADSTONE gave Notice that To-morrow, at Two o'clock, he should move—

> "That, on and after Wednesday next, the several stages of the Land Law (Ireland) Bill have precedence of all Orders of the Day and Notices of Motion, on all days when it is set down among the Orders, until the House shall otherwise determine."

Sir STAFFORD NORTHCOTE: I hope the right hon. Gentleman will be in a position to-morrow, if he is unable now, to give the House some statement as to the probable measures which the Government intend to proceed with after the Land Law (Ireland) Bill is disposed of. That will have a material influence on the decision of the House with respect to the Notice which has just been given. I hope the right hon. Gentleman will to-morrow be able to state the general course of Business and the probable duration of the Session. I also hope the right hon. Gentleman will, at the same time, be able to name a day on which my right hon. Friend (Sir Michael Hicks-Beach) may be able to bring forward his Motion on the affairs of the Transvaal.

Mr. GLADSTONE: I hope, if the House should be pleased to accede to the Motion of which I have given Notice, that it will place the Government in a position at an early date to form some judgment on what they may be able to ask the House to do during the remainder of the Session. At our present rate of progress we are really not in a position to say what we can ask it to do during the present Session over and above the Land Law (Ireland) Bill.

Mr. HEALY: On the consideration of his Motion to-morrow, I will ask the right hon. Gentleman if the Government intend to proceed this Session with the measure of Local Government, announced in the Queen's Speech at the opening of Parliament; and, also, whether they intended to redeem the promise given by the Chief Secretary last year with regard to the Limitation of Costs Bill?

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [FOURTEENTH NIGHT.]

[*Progress 23rd June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 4 (Incidents of tenancy subject to statutory conditions).

Mr. LALOR moved, in page 5, line 12, to leave out from the word "During" to the end of the Clause. He said the people of Ireland had been under the impression that the Bill was intended for the purpose of giving security of tenure and fair rents; but if this part of the present clause was to remain in the Bill it would do away completely both with security of tenure and fair rents. It would give the landlord, in the first place, the power of going to the tenant and telling him that he required to resume possession of the farm for the purpose of improving the estate or for the purpose of building cottages for the benefit of the labourers. What would be the effect upon the tenant? He would probably offer a higher rent at once; and, therefore, the clause would place the landlord in a position to compel the tenant to give an increased rent. In the next place, even if the landlord might not oblige the tenant to give him an increase of rent, he would, at the least, put him to the trouble and expense of litigation. It would further give the landlord the power of seizing upon the tenant's improvements, because the tenant knew very well from previous experience of the operation of the Land Courts in Ireland that no tenant, when he appealed to the Land Court, ever got the fair, honest value of his improvements. The practice of the Land Courts during the last 10 years had been this—if the tenant went into Court and claimed compensation for improvements the Court could ask him how long he had been in possession of them, and if he had had them for a few years it would be said—"We see no reason why you should be compensated any further, because you have already had the benefit of them." Therefore, the retention of this part of the clause would completely shut out the power of the tenant to make improvements in the land, and if the tenants were not allowed to make improvements in the land the chief value of the Bill would be nullified and destroyed. No tenant in Ireland would make improvements unless he was perfectly secure, and under this clause no tenant would be secure. Therefore, the clause would operate in opening a door for the resumption of the holding by the landlord, who, on going to the Land Court to claim the right of resuming possession, would only have to make the excuse that the farm was in a backward state, because the tenant had not made the improvements that were necessary. He would consequently succeed in turning the tenant out on the simple ground that the labourers required better cottage accommodation or on a hundred other excuses. The clause in its present state would give encouragement to the avaricious and cunning landlord to deal harshly and unjustly with his tenants. He, therefore, begged to move the omission of this part of the clause.

Amendment proposed, in page 5, line 12, to leave out from the word "During," to the end of the Clause.—(*Mr. Lalor.*)

Question proposed, "That the words 'During the continuance of a statutory term in a tenancy' stand part of the Clause."

Mr. GLADSTONE: In answer to the remarks of the hon. Member I may say that I do not bind myself absolutely to the words of the clause, because they may be somewhat obscure and may possibly be improved, although we have gone through them with great care. But the Amendment of the hon. Gentleman raises a question of principle which is of considerable importance. The clause, as it stands, gives a considerable amount of freedom to the landlord in regard to the power of resuming possession of a holding. It entirely alters the old practice, and by the operation of the clause the power now exercised is placed under a very stringent limitation. The landlord must appear before the Court, and in claiming the right to resume a part of the holding he must satisfy the Court that he has a serious purpose in view. A merely speculative or a capricious desire will not suffice; but he must be able to show that he requires to carry out improvements, during a statutory term, with a really serious purpose in view. There is a further limitation in a subsequent part of the Bill, which deals with the first statutory term under conditions exclusive of resumption altogether. When the landlord shows that he has a desire to resume for some purpose or other connected with the good of the estate, or for some purpose connected with the improvement of the condition of the labourer, I agree with the hon. Gentleman who has just sat down that it is mainly to the tenants he must look for carrying out these improvements. It would be a great mistake to approach the consideration of the Bill with the impression that we can have no good notion of farming in Ireland unless we introduce English ideas. I dismiss that view altogether and admit, as a general principle, that it is desirable to make improvements; but it is another thing to assert that the landlord is not to have something to say to the good of the holding, even subject to the check of the judgment of the Court. And when we come to the question that deals with the good of the estate the ground is much stronger, because we cannot, in that case, look to the tenant at all. It is no part of his duty to look to the good of estate, and alterations of the holding might be vital to the good of an estate, even where, at the same time, they may not have any particular bearing upon the condition of the holding. Where the condition of the holding is detrimentally affected, the case may generally be met by compensation under this clause or under the Lands Clauses Act. I am told, to take a strong instance, that to a very considerable extent the method of holding land in rundale still exists in Ireland, and it would be very injurious to say that where a method of holding so disadvantageous prevails, we should leave it absolutely in the power of the tenant to say that it should continue to prevail. It would be an advantage to tenants as well as landlords to have scattered portions of holdings brought together. It is the obvious title of the landlord to economize the working of his estate by the making of good arrangements of this kind. There are many proceedings connected with the management of land in regard to which the landlord is naturally the person who should be responsible for carrying them into effect. For example, there are main drainage operations in respect of which it is evident that the landlord ought to form the judgment and not the tenant. The tenant might not admit that the good of the holding, or of his particular holding, was concerned, and yet it might be desirable that material improvements should be effected. Then, again, as to the condition of the labourers, one of the most obvious matters we have before us is that we should introduce a power of this kind in regard to the labourers. We are going to give the tenant powers, as against the landlord, to alter the conditions of his tenancy, in a certain sense, for the sake of enabling him to provide accommodation for his labourers; and I think, by a parity of reasoning, we ought to give power to the landlord, as against the tenant, to do the same thing, and to promote the extension of good accommodation for the labourers. Under all these three heads, therefore, the good of the holding, the good of the estate, and the provision of accommodation for labourers, we adhere to the principle that the power of resumption ought to be contained in the Bill; and if we did not maintain it we should strike a vital blow against the character of the landlord as a landlord invested with certain rights and corresponding duties in the management of his estate. The words of the Bill are very cautiously framed in regard to compensation to the tenant. When anything of this sort takes place it is obvious that the tenant must be compensated. The Court must be satisfied as to the object of the landlord, and in the case of resumption by the landlord it is provided that the compensation to the tenant must be full.

Mr. PARNELL said, the proposal of the clause which it was the object of the Amendment of the hon. Member for Queen's County (Mr. Lalor) to remove was a very obvious one. It appeared to be based on a provision of the Act of 1870, which gave power to the landlord to resume possession of a portion of a tenancy for the purpose of building cottages for labourers, and so forth. He thought that in asking the Committee to re-enact an extension of that power the Government should be prepared to show that under the working of the Act of 1870 it had been attended by beneficial results. So far as he knew, the landlords had not made use of the power conferred on them by the Act of 1870 to any appreciable extent. In fact, they had not cared about building cottages for labourers on the holdings of their tenants, and consequently they had not used the power which the Act gave them. Therefore, so far as the argument of the Prime Minister went, that because they gave power to the tenant to set aside one of the conditions of the tenany in order to enable him to introduce labourers upon his holding, they ought to give a corresponding power to the landlord, the contention of the right hon. Gentleman had entirely failed. The landlord had not, to any appreciable extent, used this power for the purpose of building labourers' cottages; and he thought that, so far as the benefit of the labourer went, it would prove to be entirely useless in the future. In point of fact, if they were to discuss the matter in reference to the question of the labourer, he did not see how they could avoid doing it much more usefully and satisfactorily upon the Amendment of his hon. Friend the Member for Longford (Mr. Justin M'Carthy), who sought to provide a different course of proceeding, and, in effect, to take it out of the power of the landlord to make the annexation in question and to hand it over to the Commission to be appointed under the provisions of the Bill. He (Mr. Parnell) thought that was a preferable method of procedure to that proposed by Her Majesty's Government. He did not quite understand what was meant by giving power of resumption for some purpose having relation to the good of the holding or of the estate. To him that appeared to be a very vague proposition indeed, and one that might give rise to considerable confusion in future. The Prime Minister had been unfortunate in selecting his examples to show the way in which the law might be applied. He referred to the question of rundale and also to other questions of improvement, and he said that the landlord ought to have certain powers in order to prevent the land being held in rundale or divided in communion. Now, many disputes had arisen in connection with this question of rundale, and it had been a fruitful source of contention between the two classes of tenants in Ireland. What he would therefore suggest was this—that as the landlords had not in the past used this very important provision, the Government should adopt the Amendment of his hon. Friend the Member for the County of Longford, and hand over to the Commission the power sought to be given by this part of the clause, at any rate, as far as the labourers' question went. He very much feared that if, as far as the provision of cottages for the labourers went, they left it to the tenant on the one side, or to the landlord on the other, the unfortunate labourer between the two stools would fall to the ground, and no provision would be made to enable him in future to exist in some sort of comfort. A very trifling extension of the provisions of the Artizans' Dwellings Act was desirable, in order to enable Board of Guardians, or the rural sanitary authorities, to exercise the same powers in favour of the labourers which the local authorities, corporate bodies, and Town Commissioners were able to exercise in the towns in Ireland. He did not care whether they gave the powers proposed to be given by the Bill to the landlord, to the Town Commissioners, sanitary authorities, or Boards of Guardians. Either would exercise it in an efficient way, and probably the sanitary authority would have the greatest local knowledge necessary to enable them to carry out such alterations; but as to giving to the landlord the right of going to his tenant and claiming, in the vague terms of this clause, that he was entitled to resume the holding for some purpose having relation to the good of the holding, or the good of the estate, or the benefit of the labourer, and demanding that he should receive the sympathy of the Court, without requiring him to give the slightest security that he would really carry out the objects for which he was to receive such sympathy, would be far too dangerous a power to give to the landlord, and would give rise to a great deal of future litigation and feeling of insecurity on the part of the tenant. Furthermore, it would not, in the end, accomplish the object for which it professed to be framed—namely, the improvement of the condition of the labourer.

MR. T. D. SULLIVAN said, it appeared to him that the clause, as it stood, was a very dangerous one. He referred especially to the words "the good of the holding" and "good of the estate," which were so vague and misleading that he thought they would be a source of great danger to the tenantry of Ireland. He wished to put a question to Her Majesty's Government. He wanted to know whether the landlord, after having gone before the Court and stated that he wished to resume the holding for the good of the holding, or for the good of the estate, would be bound to carry out the improvements he proposed afterwards? For instance, would he be bound to build the labourers' cottages which he declared to be necessary? Would he be required to undertake the improvements within a certain specified time, or would the landlord be perfectly free, after having resumed possession of the holding, to lie on his oars and do nothing whatever? In any case, he (Mr. Sullivan) thought the vagueness of these phrases was highly perilous. They were not only vague and uncertain, but they placed great power in the hands of the landlord, and left the tenant no defence whatsoever. He could have no defence against the representations of the landlord; and, therefore, he (Mr. Sullivan) would ask the Government whether, after being allowed by the Court to resume the holding on the faith of certain representations, the landlord would not be bound within a reasonable time to carry the improvements into effect?

Mr. LEAMY remarked, that the clause would empower the landlord during the continuance of the statutory tenancy to resume possession of the holding for the good of the estate. Such a provision would hold out a direct encouragement to every landlord in Ireland to increase his rents, because if he did not do so a statutory tenancy would not be created, and he would not be able to resume the holding for any of the purposes mentioned in the clause for the next 15 years. He could only resume possession provided the statutory term arose in consequence of an increase of rent; and, therefore, the adoption of the clause as it was now drawn would give a direct encouragement to the increase of rent.

Mr. SHAW said, he hoped that the Government, before dealing with the question which had been raised, would consider an Amendment which stood lower down on the Paper, in the name of his hon. and learned Friend the Member for Dundalk (Mr. Charles Russell). He thought the Amendment of his hon. and learned Friend would very materially improve the clause. The clause went on the assumption that the landlord should have the right of resumption in the event of his requiring to do certain things, and the Amendment of his hon. and learned Friend omitted the last part of the clause, and made it read thus—

> "During the continuance of a statutory term in a tenancy, consequent on an increase of rent by the landlord, the Court may, on the application of the landlord, and upon being satisfied that such application is just and reasonable, require the tenant to sell his tenancy, and upon such terms as to the Court, in view of all the circumstances of the case, shall seem just."

The phrase "good of the holding or of the estate," was a very vague phrase, and as to the system of "rundale" and squaring a holding, he hardly knew of any system of tenancy which led to more disturbance in the most remote parts of Ireland where the system of "rundale" prevailed. The landlord was authorized to buy up the holding for the purpose of "squaring it," as it was called, and then he afterwards let it to some other tenant. He admitted that if some great public object were to be obtained there should be some means by which the landlord might resume possession of the holding, giving the tenant ample compensation for his loss; but it would be very hard to define that the condition of the resumption should be merely that the landlord required it for the good of the holding or of the estate. Then, again, as to the labourers, he thought it was a very doubtful case in which to give the landlords the power of dispossessing their tenants, that all that was desired was to erect cottage tenements for the labourers. In Ireland such an object would certainly very much complicate the question; and a proposal to turn out a tenant and to cut up the holding for such a purpose would be regarded with extreme disfavour. Their object should be to encourage good relations between the landlords and tenants in Ireland, and not to enact provisions that contained the elements of future disturbance. He hoped that by the time they reached the Amendment which the right hon. Gentleman the Chief Secretary to the Lord Lieutenant proposed to move, the Committee would be able to strike out some plan by which the labourers' question might be satisfactorily settled; but he doubted whether it was desirable, even from a landlord's point of view, to give him this power, which he was only too likely to exercise in a manner that would bring about a disturbance between himself and his tenants. He suggested that the best course to take was to strike out the words objected to in favour of the Amendment of his hon. and learned Friend the Member for Dundalk.

Mr. MARUM said, it would be in the recollection of the Committee that the other evening he had pointed out how the wording of this clause—"the good of the holding or the good of the estate" might operate. The landlord might consider it necessary for the good of the estate to undertake an extensive system of drainage, and, with the permission of the Court, he might be allowed to resume the holding for that purpose. If a number of holdings were taken possession of in that way it would then be contended that, for the good of the estate, it was necessary for the landlord to resume possession of the entire property, and in that way the consolidation of the estate into one large holding would be brought about. Irrespective of any considerations in regard to the tenants, this clause would enable the landlord to go before the Court and make out a case which would, in the end, result in consolidation. But the consolidation of holdings in Ireland, if carried out to any considerable extent, would be injurious. The landlord might probably be able to obtain a larger amount of rent in some cases; but, as a rule, the consolidation and amalgamation of holdings would be decidedly adverse to the interests of the community at large. The difficulty he experienced in dealing with the Amendment was that there were several other Amendments down upon the Paper; and, if it would be in Order, he wished to deal with all of them at the same time. One of them had already been referred to by his hon. Friend the Member for the City of Cork (Mr. Parnell)—namely, the Amendment which stood upon the Paper in the name of the hon. Member for Longford (Mr. Justin M'Carthy). That Amendment was much more general than that of the Government. It did not encourage arbitrary or capricious eviction, but gave even larger powers to the Court than the Amendment of Her Majesty's Government. Hon. Members on both sides of the House had been moving Amendments, the object of which was to cut down and define the power of the landlord in regard to the right of resumption. Not long ago he had presided at a National Conference in Ireland at which this subject was considered. About 50 land clubs were represented at the Conference, and the members all came to the conclusion that no right of resuming a holding should be given except for the purpose of carrying out a *bonâ fide* public improvement. That was distinctly the impression of the large number of tenant farmers who were represented; and in the event of the Government not giving way upon this, he should certainly press the Amendment of which he had given Notice—namely, to leave out the word "or," in line 16 of this clause, and insert "the *bonâ fide* purpose of erecting thereon public or private buildings." Then, in the next line, he proposed to move, after the word "allotments," the insertion of the words "due regard being had in the premises to the general good of the community at large." His object in proposing these Amendments was to provide that, when the landlord went before the Land Court, he should be required to prove that the improvements he contemplated were for the public advantage and would be a *bonâ fide* improvement of the holding or of the estate. He believed that every hon. Member who was acquainted with the condition of farming in Ireland would bear him out when he said that the consolidation of holdings was opposed to the general interests of the community. The suggestion, therefore, contained in his Amendment was that, even if the landlord had a *locus standi* to go before the Court and show that the good of the holding or of the estate was involved, yet, nevertheless, the Court should have power to require that the improvements should be carried out for the good of the community at large. There were various other Amendments on the Paper in the names of the hon. Member for Devizes (Sir Thomas Bateson), the right hon. Member for Westminster (Mr. W. H. Smith), the hon. Member for Cambridge (Mr. W. Fowler), and the hon. Member for Coleraine (Sir Hervey Bruce), all of which dealt, more or less, with the question of the specific causes for which the landlord would be allowed by the Court to resume the holding. He hoped, therefore, that the matter would be discussed generally, and that the consideration would not be confined to the Amendment now before the Committee.

DR. COMMINS thought there were serious objections to the adoption of this sub-section—objections that went much further than any hon. Member had, as yet, suggested. He entirely endorsed the view of the hon. Member for the County of Cork (Mr. Shaw), that the object of the Government in promoting the present Bill should be to preserve the peace of Ireland; if possible to compose the feud which at present existed between the landlords and tenants; and, as far as possible, to take away all occasion for future feud, in reference to the consolidation of holdings or anything else. There was an opinion in Ireland—and he believed that it was not without foundation—there was an opinion abroad that from the beginning to the end of this Bill, where the measure gave a thing with one hand, it took it away with the other. The present clause was as remarkable an exemplification of this as could probably be found. The Bill, in the first instance, gave power to the Court to fix a statutable term of 15 years, and, having done so, it gave, under the present section, a power to the landlord of resuming the farm, and getting rid of the statutable term of 15 years at any time he might think fit. Not only could he resume the term, but, under a provision contained in the 45th section of the Bill, he could put an end to the tenancy to which the term applied; therefore the statutable condition that the rent of the holding should not be increased for 15 years was of very little value. The Court had power to fix a fair rent; but if the landlord found, after it had been fixed, that some other person was willing to pay a considerably higher rent, such a circumstance, would, undoubtedly, be for the good of the estate—at any rate, it would be for the good of the landlord, although it might not be for the advantage of the tenant—and the landlord would represent to the Court that he wished to effect improvements for the good of the holding. A tenant with large capital would certainly be more capable of improving the property; and it might be considered by the Court that a tenant who was likely to spend more money upon the farm would be for the good of the estate, and would entitle the landlord, under this sub-section, to resume the holding. The consequence would be that the tenant would be deprived of his statutory term of 15 years, either upon this or a thousand other pretexts. For instance, the landlord might claim the right of building a labourer's cottage in the centre of his tenant's garden, and in front of his tenant's house. The tenant would naturally refuse his permission; but he would be told that it was for the good of the holding, and with a friendly County Court Judge—a matter there was only too much reason to apprehend—in most instances, the landlord would be able to get all he wanted, and this insidious sub-section would give him the power to resume an entire holding of 200 or 300 acres, on the plea that it was for the good of the estate that he should erect a labourer's cottage. It would never be difficult to show that a labourer wanted a cottage, and as the landlord would choose to build it in any corner that suited him, he might readily be able to get an order from the Court to resume the entire holding and put an end to the tenancy and the statutable term of 15 years. As the clause was drawn it was so wide that any pretext whatever might suffice for the landlord. The provision was, in his opinion, a most mischievous one, and in whatever form it might be adopted it would be regarded by the people of Ireland as an attempt to take away with one hand what the Bill gave with the other. In point of fact, its adoption in its present shape would make the Bill a false pretence, a mockery, a delusion, and a snare.

Mr. HEALY wished to point out that the statutable conditions were only to arise in the case of an increase of rent. He wished to ask the right hon. and learned Attorney General for Ireland whether, in the case of an increase of rent by mutual arrangement, the landlord would have the power of applying to the Court for the right of resuming possession of the holding? He also desired to know whether the 10th section of the Land Act and the 3rd section of the Notice to Quit Act would also apply? He certainly thought the Government might devise a better clause than this for conferring on the landlord the power of resumption.

The ATTORNEY GENERAL for IRELAND (Mr. Law) pointed out that the 7th sub-section of the 7th clause made provision that—

> "Where the judicial rent of any present tenancy has been fixed by the Court, then, until the expiration of a term of fifteen years after the determination of the Court has been given, such present tenancy should be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by a landlord."

MR. HEALY said, the right hon. and learned Gentleman had not answered the question whether the 10th section of the Land Act applied as well.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) replied, that that section would not apply to statutory tenancies.

MR. T. D. SULLIVAN remarked, that no answer had been given to his question whether the landlord, after making his representations to the Court, would be bound to carry them into effect, or whether he would be free to do nothing after having taken possession of the holding?

MR. GLADSTONE: It is plain that the intention of the clause is not to have merely a vague expression of opinion on the part of the landlord; but the Court will require all the facts of the case to be laid before it, and must be satisfied of the landlord's *bona fides.* I do not know whether it is necessary to insert words to that effect in the clause; but the plain intention of the clause is to require a practical plan to be submitted by the landlord, which he would be obliged to carry into effect.

MR. A. M. SULLIVAN suggested that the Government should consider the advisability of putting into the clause some words to enable the Court to take security from the landlord as to the *bona fides* of his intention.

MR. O'CONNOR POWER joined in the appeal which had just been addressed to the Government by the hon. Member for Westmeath (Mr. T. D. Sullivan). He inferred, from the reply which had been given by the Prime Minister, that the right hon. Gentleman did not despair of being able to see his way to meeting the obvious difficulty that had been called attention to. Prevention was better than cure, and there was much force in the suggestion of the hon. Member for Westmeath, that the landlord, on declaring a certain state of things, might be allowed to resume possession of the holding, and might then refuse to give effect to the representations on which the right of resumption was given to him. In that way it was possible that the tenant might suffer great injustice. He would suggest that a Proviso should be added to the end of the clause to this effect—

> "Provided also, that the Court may authorize the resumption of the holding by the tenant if the conditions on which the resumption by the landlord has been authorized have not been fulfilled within a reasonable time."

That would not interfere with the object of the clause, and would afford a satisfactory protection to the tenant.

MR. T. C. THOMPSON said, the Committee were endeavouring to establish in Ireland a mutual property between the landlord and the tenant; and it seemed to him, as the clause stood, that it would be quite possible for the landlord to go into Court and prove that he would be improving his estate very much by improving off of it all the tenants who happened to be there. That was a case which often happened in England. Many landlords were of opinion that it was for the good of the estate that they should reduce the number of tenants, and throw the property into one holding, as by that means they got rid of the expense of providing buildings for the maintenance of a numerous tenantry. It would, therefore, be possible to create even greater distress among the poor tenants of Ireland than now existed; and he would suggest that, after the words "having relation to the good of the holding," the word "or" should be struck out, and the word "and" be substituted, making the clause read "and for the benefit of the labourers in respect of cottages, gardens, or allotments."

MR. JUSTIN M'CARTHY agreed with the hon. Member who had just spoken that, as the clause stood, it would enable the landlords to improve the tenants off the face of the land. In point of fact, it was an invitation to a landlord who was not *bonâ fide* in his intentions to do as much. He thought the Committee were discussing the clause under very great disadvantages. It had been stated that the Government intended to bring up a clause at some future time which would deal with the question of the agricultural labourer and his accommodation; but as yet the Committee had no idea what that clause was to be. They could only guess that it was to be a re-enactment of the clause which was struck out of the Land Bill of 1870 by the House of Lords. They were, therefore, discussing the whole matter in the dark, and the Government had given no indication of what their real intention was. He thought the Government should give an assurance that they had the whole question fully in mind, and that they were anxious to do something that would confer a substantial benefit upon the labourers.

Mr. GLADSTONE begged to remind the hon. Member that the Government would not be permitted, on the present Amendment, to discuss any other question than that which was involved in the Amendment itself. They intended hereafter to give a full explanation of their intentions.

Mr. LALOR said, he was afraid that the real object of the clause was to give power to the landlord to intimidate the tenant into accepting an increased rent. There could be no real doubt that the clause did confer such a power, and enabled the landlord to apply to the Court in order that he might subsequently be in a position to increase the rent. He knew very few tenants in Ireland who would not be intimidated by such a course. The right hon. Gentleman laid great stress on the fact that the landlords might wish to build cottages for the labourers; but, as a matter of fact, the landlords of Ireland were not willing to build cottages. They had not been willing hitherto, and were not now, and never would be. In his own neighbourhood very few labourers' cottages had been provided; and, as a general rule, they objected to allow their tenants to do so. A few years ago, a tenant with a farm of 300 or 400 acres found himself in want of labourers—a condition which was pretty general in Ireland—and he asked his landlord for permission to build three or four handsome cottages for the accommodation of labourers. He engaged to build them in a handsome style, or in any manner the landlord might suggest; but the landlord totally refused to allow him to build them, for this reason, that some day or other these men might be thrown upon the poor rate. That was the real reason why the landlords would not sanction the building of labourers' cottages; and there was not the slightest reason for making the provision at present contained in the clause. He hoped the Prime Minister would re-consider this part of the clause, which was altogether unnecessary.

Mr. A. MOORE asked if it was proposed to strike out the whole sub-section? ["Yes."] He thought there must be a power of resumption somewhere to meet the case of improvements of public utility. He, therefore, hoped the Government would tell the Committee how far they were prepared to meet the views of the Irish Members. The clause, as it stood, was most unsatisfactory, and would have the effect of fomenting again, in the worst form, the unhappy disputes which had so long prevailed between the Irish landlords and tenants. The system of rundale, which had already been referred to, had been a greater source of bitterness and bloodshed almost than any other. As education and enlightenment progressed landlords became anxious to have their property brought within a ring fence, and it would be unfortunate to leave this power in their hands. He objected to the frequent and continuous applications to the Court provided by the Bill. Everything was thrown upon the Court, instead of a man being left to deal amicably with his fellow man. He was inclined to support the Amendment, because provision had already been made that application should be made to the Court to fix the rent and a statutory term, and one application should suffice. The right of resumption should be restricted to cases where it was desirable for carrying out improvements that were of public utility. It would very much simplify the matter if all reference to the labourer were eliminated from the clause. The case of the labourer would have to be dealt with afterwards, and it would be more completely dealt with in a separate and distinct clause.

Mr. MACFARLANE thought the words "for some purpose having relation to the good of the holding or of the estate" should be omitted from the clause, which would then read "for the benefit of the labourers in respect of cottages, gardens, and allotments." There certainly ought to be a power of resumption for the benefit of the labourers.

Mr. CALLAN did not concur in the suggestion of the hon. Member for Clonmel (Mr. A. Moore), which, he thought, would have the effect of eliminating from the clause the only matter upon which it could be justified—namely, the benefit of the labourers. If the sub-section were not struck out altogether he thought the suggestion of the hon. Member for Mayo (Mr. O'Connor Power) should be adopted.

Mr. CHARLES RUSSELL said, he disliked the clause as it stood, because it seemed to him too much to regard the interest of the landlord, while it regarded the interest of the tenant too little. He agreed with the hon. Member for Clonmel (Mr. A. Moore) in recognizing the justice of the landlord having the right of resumption in certain cases, and should be willing that a clause should be introduced for the purpose of securing this; but he objected to this sub-section, because the meaning of the words "the good of the holding or of the estate" was not sufficiently clear. It would appear that, as the clause stood, the landlord could resume the tenancy, however little its resumption might be, for the improvement of the estate; and, therefore, he thought it would be well to introduce words to the effect that the Court should only allow this power on grounds which were just and reasonable, those words having relation not only to the interest of the landlord, but to that of the tenant. Having said he was in favour of resumption on the part of the landlord in certain cases, he would be willing that he should have that power where, for instance, any part of the farm came into the category of building land—where the land was in the vicinity of a railway, and might be utilized for building cottages for the use of persons engaged on the railway. On the whole, although he expressed his views with some diffidence, he submitted that the sub-section, as it stood, was bad, and that some such words as he had suggested were necessary.

Mr. GIBSON said, he thought some such provision as was now proposed to be struck out was necessary, and, further, that it would be wrong, having regard to the interest of the owner of the estate, not to vest in him some power of resuming a holding. It was not proposed that this power should be exercised by the landlord in an arbitrary way, because he would have to satisfy the Court that he wished to resume the holding for certain defined purposes; and he ventured to say that the Court, looking at the matter in a common-sense way, would have little difficulty in arriving at a fair conclusion. The Court, if the landlord was not able to satisfy it that some *bonâ fide* and tangible benefit would result to the holding or estate, would undoubtedly say that he had not made out his case. He thought that, instead of giving the Court power to take up the entire holding, it should also have power to permit the landlord, on proper evidence, to resume possession of part.

Mr. SYNAN said, that like some of his hon. Friends he had an objection to certain words in this sub-section; but it must be remembered that they had not reached the point at which those words could be discussed. They were at present engaged upon an Amendment for striking out the sub-section altogether, and he thought it would be well if the discussion were confined to that particular question. Taking all the circumstances into account, he did not think the sub-section should be struck out in its entirety. Even if the words "of the holding or" were retained, he would certainly not retain the words "for the good of the estate." The question as to what was for the benefit of the holding was one which, he thought, might be safely left to the Court. To retain the words "for the good of the estate" only would simply be giving the landlord power under the Court to consolidate holdings—the very thing which the Bill was intended to prevent.

Mr. HEALY wished to know what notice would be given to the tenant in case the Court decided that the landlord might resume?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, of course, the Court would direct some reasonable notice.

Mr. HEALY thought that it would better to add words to the effect that notice should be given by the Court.

Mr. O'CONNOR POWER agreed with the hon. and learned Member for Dundalk (Mr. C. Russell) that some power of resumption ought to be given to the landlord. For instance, that power was desirable in the case of a tenant who was not an improving tenant, and who was holding the land on conditions not beneficial to the property. Those conditions, however, ought to be carefully defined. He would rather see the clause standing in the Bill with the Amendment suggested by the hon. and learned Member for Dundalk; and he thought if words could be added in the direction of the Amendment also indicated by the hon. Member for Longford

(Mr. Justin M'Carthy) with reference to labourers' cottages, it would be better for all parties concerned. He should certainly not vote for the total expunging of the sub-section.

Mr. GILL asked whether the clause was intended to refer to future tenancies only? The words "consequent on an increase of rent by the landlord" appeared to him to confine the operation of the sub-section to future tenancies which arose out of an increase of rent by the landlord.

The ATTORNEY GENERAL for IRELAND (Mr. Law) pointed out to the hon. Member that the 3rd clause of the Bill dealt with the demand of an increase of rent by the landlord in the case of both present and future tenancies.

Mr. BIGGAR said, he did not think that this hap-hazard power ought to be given to the landlord for resuming possession of the tenant's holding. One of the reasons given for conferring this power was that it was for the benefit of the labourers in respect of cottages; but it was perfectly well known that the landlords in Ireland, so far from encouraging the building of labourers' cottages, were entirely opposed to it. They had gone on the principle of driving the labourers off the land, saying to the tenants—"You must not build cottages on your holdings, because some of the people who will live in them will become chargeable on the rates." He thought the tenant farmers should be allowed to build cottages for their own labourers on the understanding that in case the landlord resumed the holding, or in case an increase of rent were established, those cottages should be the property of the tenant and not of the landlord, and that their value should not be included in any increase of rent at a future time. The occupying farmer was, to his mind, the best judge of what was for the good of his holding; and he could scarcely imagine a case in which it would be desirable, legitimate, or proper, that a tenant should be turned out of his holding because the landlord alleged it was for the good of the holding that this should be done. They knew very well that the so-called gentleman farmer did not farm properly; but this could not be said of the tenant farmer, as a class, who were the only persons who could properly cultivate their holdings, and who knew that if they were unsuccessful they would not be able to pay their rent and would go to the bad. In a case of that kind the tenant would have to sell his tenancy to the highest bidder, and probably a man of more enterprizing character would come in, and the result would be that the holding would be improved without any intervention on the part of the landlord. Again, the landlord was to have this power of resumption for the benefit of the estate. But upon what grounds, he asked, should the landlord have power to involve the tenants on his estate in litigation, by simply alleging that it was for the good of the estate that he should resume possession of their holdings? It seemed to him that the clause was drawn in favour of the landlord without any regard to the interest of the tenant. The conditions on which the property of the tenant was to be resumed were certainly different from those on which a Railway Company had power to acquire property. All the provisions, which in those cases acted for the protection of the occupier of land, were, in the present case, taken away. He certainly was not in favour of allowing the tenant's property to be given up on the simple allegation that it was for the good of the estate or for the good of the holding without any other protection to the tenant than that if he objected he might fight the case at his own expense. He therefore trusted the hon. Member for Queen's County (Mr. Lalor) would press his Amendment, and that the Government would see their way to entertain it.

Mr. CALLAN said, it had been considered by some as a recommendation of the clause that it provided for the erection of labourers' cottages; but he pointed out that already, by the Act of 1870, the landlord could resume possession of as much land as might be required for the *bonâ fide* purpose of erecting one or more labourers' cottages, with or without gardens, and that such resumption was not to be deemed disturbance of the tenant within the meaning of the Act. He asked the Chief Secretary for Ireland if he could quote one instance in which, during the last 11 years, an Irish landlord had availed himself of the provisions of the Act of 1870 for the erection of labourers' cottages? He did not believe it could be shown that any

Irish landlord had availed himself of the Act of 1870 for that purpose. If, therefore, the landlords had so disregarded the interest of the labourers in this respect, what possible use there could be in introducing in the present Bill a clause to the same effect as that contained in the Act of 1870? But this provision of the Land Act of 1870 was guarded in a manner entirely different from the present provision—namely, by the words—"in case the Court shall be of opinion that the same is unreasonable." There was no such safeguard in the present case; and the only thing the Court was called upon to take into consideration was whether they were satisfied that the landlord was desirous of resuming possession. In view of the fact that not a single landlord had availed himself of the powers of the Act of 1870 for the purpose of erecting labourers' cottages, he thought the argument that the present clause was for the benefit of the labourer was of no value whatever; and, therefore, he trusted that his hon. Friend would press his Motion for the omission of the sub-section.

MR. BIGGAR said, the words relating to cottages appeared to him to have been inserted with the deliberate purpose of making persons believe that something was to be done for the labourer in Ireland, while their real object was to enable the landlord to turn out a tenant without any *bonâ fide* cause. The sub-section before the Committee—if it remained—would add to the means by which the Bill would do incalculable injury to the tenantry of Ireland.

Question put.

The Committee *divided*:—Ayes 139; Noes 30: Majority 109.—(Div. List, No. 268.)

THE CHAIRMAN: The Amendment of the hon. Member for Longford (Mr. Justin M'Carthy) cannot be moved in this place, as it is outside the purpose of the clause. Clause 4 is intended to preserve a tenant in his tenancy during his statutory term if he fulfil certain statutory conditions. But it also gives to the landlord a right to resume the possession of the holding by purchase from, and on paying full compensation to, the tenant, if the land be required, either for the good of the estate, or for the benefit of the labourers upon the estate in regard to cottage allotments. The proposed Amendment of the hon. Member for Longford goes much beyond this purpose. By his Amendment he would enable the State, through the Commissioners, to buy land in any part of Ireland, so that the State might acquire, and then sell or let, the land for labourers' dwellings. The largeness of the proposal is shown by the form of the Amendment itself. It first begins with a preamble, and is then followed by an enacting clause. In its form and purpose it is rather a Bill in itself than an Amendment to a clause. It certainly cannot be moved as an Amendment in Clause 4, and could only be entertained as a distinct clause. I reserve, however, for further consideration whether, even as a distinct clause, it can be considered by the Committee without specific instruction from the House.

SIR THOMAS BATESON said, the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith) had upon the Paper an Amendment which expressed, in more concise language, the object of the Amendment which he himself had intended to propose with reference to the resumption of holdings; and, therefore, he thought it would be for the convenience of the Committee that his own Amendment should be withdrawn. He proposed, however, to move certain words when line 24 was reached.

MR. W. FOWLER said, he was unable to understand why the power of the Court to grant resumption was limited to cases where the statutory term had arisen under this Act; and, in order to afford an opportunity for explanation, he begged to move the Amendment standing in his name.

Amendment proposed, in page 5, line 13, omit "consequent on an increase of rent by the landlord."—(*Mr. W. Fowler.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. W. H. SMITH said, he hoped the Government would agree to this Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): We cannot agree to it.

MR. W. H. SMITH regretted that the Government did not agree to the

Amendment, because the clause as it stood seemed to him to put the landlord in a position in which he ought not to be placed; for, if he wanted to carry out improvements for the benefit of the labourers on the estate, he could not resume possession without serving notice for an increase of rent. It might be that the landlord desired that the tenant should remain at a reasonable rent, and yet to make improvements he would be compelled to serve this notice.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), referring to the remarks of the hon. Gentleman behind him (Mr. W. Fowler), explained that the only statutory term yet recognized was the statutory term under the 3rd clause. Having first fixed the statutory term, they now proceeded to say what the power of resumption was. With regard to the observations of the right hon. Gentleman (Mr. Smith), a statutory term was created, as would be seen by this clause, which provided that the landlord should not compel a tenant to quit his holding except on the statutory conditions. The landlord was not able to resume in such a case without this clause; but, if the land was not held under a statutory term, the landlord still had the same power as under the Act of 1870. This clause only provided for the obstacle to the landlord's right created by the statutory term.

MR. GIVAN understood that, in addition to the statutory term created by the Bill, a statutory term would also be created if the tenant, instead of accepting the increase demanded, applied to the Court to fix the rent. If the Court did not fix an increased rent, would the landlord have the power of resumption?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) replied by pointing out that the 4th sub-section said the tenant might apply to the Court "in the manner hereinafter mentioned," and that saved the tenant's rights. The 7th section dealt with that point, and the term would then be a judicial statutory term.

LORD RANDOLPH CHURCHILL said, it would appear in this case as if there were only one particular kind of tenancy under which the landlord could resume; but he made out that there were two tenancies under this Bill under which the landlord could resume—a present tenancy after 15 years, and a tenancy of a statutory term fixed in consequence of an increase of rent. But was there any power by which the landlord could resume a future tenant without raising the rent? It was no use quoting the Land Act, for that did not meet the case at all.

MR. W. H. SMITH asked what power the landlord would possess of resuming the holding for the benefit of the estate if a judicial rent had been fixed which was not an increased rent?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) stated that the 4th clause assumed that a statutory term had been created, and the only way of creating that under Clause 3 was a demand for an increased rent by the landlord. The moment the tenant accepted such demand a statutory term arose; and then it was necessary to provide for a resumption. On the other hand, the 7th section provided that, where a judicial rent for the present tenancy had been fixed by the Court, then another statutory term of a similar character should arise, and, till the expiration of 15 years after the determination of the Court, such tenancy would be deemed to be a tenancy subject to statutory conditions having the same incidents as a tenancy under the statutory conditions consequent on an increase of rent as mentioned in Section 3. There were thus two states of circumstances under which statutory tenancies might arise; one where an increase of rent was agreed upon, and the other where the rent was judicially fixed; but in the latter case the provision for resumption was not to apply during the first statutory term of 15 years, with a judicial rent.

LORD RANDOLPH CHURCHILL: Can the landlord resume a future tenancy?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): Certainly. The only way in which a future tenant can get a statutory term is by accepting the increased rent proposed by the landlord.

MR. MARUM observed, that the object of this clause, of course, was that, if the tenant applied to the Court, he should not be penalized, and subject to removal by the landlord for any of the specified causes. He was thus saved during the first term; but in the subsequent term the landlord could go to the Court and ask for a resumption. The position of the future tenant was that the landlord could evict the tenant on notice to quit; but if the landlord and tenant came to an amicable arrangement, they could create a statutory term with the same incidents as an increase of rent.

Mr. GIBSON thought the clause would be simpler and would work better if the words were left out. It was quite clear that the words "consequent on an increase of rent from the landlord" were not put in in reference to antecedent drafting; they were put in to mark here, in the first place, a clear distinction of policy and intention between the 4th and the 7th clauses; but would that tend to the good working of the Act without friction, and would it cause the Act to be plainly and distinctly understood? He thought not. Why should there be any distinction? If it was right and fair, having regard to the interests of the holding and the labourers, to give this power to the landlord on making full compensation to the tenant, why should it be restricted to the case of an increase demanded by the landlord? If the policy of the Government was sound—and he thought it was sound—this restriction was not necessary. Was there any reason for preventing Clause 7 having the operation of attaching to this at once? He thought not. He thought it was right to give the landlord this power of resumption here; and he did not see how they would be able, when they advanced, to show that there was any sufficient reason for postponing the discretion of the Court to the second period.

Mr. GLADSTONE would not say that the right hon. and learned Gentleman's criticism was mistimed; but he had spoken now apparently with the object of getting indirectly a virtual decision upon the limitation which they had reduced to a power of resumption in Clause 7, and the observations would properly come upon that clause. With regard to the remarks of the noble Lord (Lord Randolph Churchill), the power of the landlord to dismiss his tenant was only altered in the Bill by specific form and not by specific enactments.

Mr. W. FOWLER desired, after the explanations which had been offered, to withdraw the Amendment.

Mr. WARTON, with reference to the Prime Minister's remarks as to mistimed criticism, wished to point out that it was the Attorney General for Ireland who first referred to Clause 7. He must do the right hon. and learned Gentleman the justice of admitting that he showed distinctly that the two clauses were necessary to each other; but there was an inconsistency between the clauses. He did not see why, when the interests of the landlord and of the tenant and of the estates required it, justice should not be done, whether it was one sort of statutory term or not.

Mr. LEAMY thought there was some reason for the question of the right hon. and learned Gentleman (Mr. Gibson) as to why the incidents of the 1st section should differ from the incidents created under the 7th clause. He thought there ought to be no distinction, and, instead of allowing the landlord to resume at the end of the first 15 years, he would suggest that they should not allow him to resume until the second statutory term, even when the statutory term arose from an increase of rent. They allowed the landlord to resume in the first statutory term, when that arose from an increase; but when it was fixed by the Court they said he should not resume until 15 years had expired. What he wanted to know was why it was that under one term the landlord was put off resuming for 15 years, and under the other he could resume within a month? Now that they were endeavouring to settle the minds of the Irish tenantry by this Bill, it was a good thing to put off the time when the landlord might resume, so that the tenants might feel that for some time a notice to quit could not fall upon them at any moment. The Bill said the tenant might retain his holding so long as he fulfilled certain statutory conditions; but when he came under this statutory term he did not know at what moment he might get notice. Was it not wise and right that this Bill should be made to work better by having no distinction whatever in the incidents of the two statutory terms—not in the way suggested by the noble Lord, but by preventing the landlord from resuming when the 15 years had expired? If they sent this Bill to the Irish tenantry, telling them that they had a *quasi*-fixity of tenure, but that even if they consented to what they thought a fair increase of rent, they might, perhaps, receive notice the very next day, what would they be doing? In the first place, by this distinction, they held out to the landlord an inducement to increase the rent, and so increased the law suits, because a solicitor would probably advise a tenant not to accept the increase, because he might get notice to quit the next day, but to go into Court. Did the hon. and learned Solicitor General for Ireland consider that wise? Of course, the Irish Members could not support the Amendment, because even though he thought it a great mistake to have this distinction, he thought it well under one of the terms that the landlord's right should be put off for 15 years.

Amendment, by leave, *withdrawn.*

Mr. MARUM said, he did not know whether he would be in Order in taking up the hon. and learned Member's (Mr. C. Russell's) Amendment; but he should be sorry if it were dropped, because he should prefer that Amendment to the clause as it stood. As the clause now stood, an application by the landlord would suffice for a resumption on his satisfying the Court that he desired to resume for some purpose; and he would then be entitled to all that was contained in the clause. If the clause were amended in the way suggested by the hon. and learned Member, that would insure the *bonâ fide* action of the landlord, and he would move the Amendments in the name of the hon. and learned Member.

Amendment proposed,

In page 5, line 14, leave out from "satisfied," to "tenant," inclusive, in line 20, and insert "that such application is just and reasonable, require the tenant to sell his tenancy, and upon such terms as to the Court, in view of all the circumstances of the case, shall deem just."—(*Mr. Marum.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. W. E. FORSTER said, he hoped the hon. Member would not press the Amendment, observing that his right hon. Friend proposed to put in after the word "purpose" the words "reasonable and expedient," so that the Court would be obliged to consider whether the application was reasonable and expedient.

Mr. MARUM said, he would not press the Amendment.

Amendment, by leave, *withdrawn.*

Mr. Leamy

The CHAIRMAN: I must point out to the hon. Member for Cavan (Mr. Biggar) that an Amendment has been handed in by the Attorney General for Ireland partly to the same effect as the hon. Member's Amendment which stands next.

Mr. BIGGAR said, he had not heard the terms of the right hon. and learned Gentleman's Amendment, and he would formally move his.

The CHAIRMAN: The Amendments have a like purpose; but if the Committee reject the words proposed by the hon. Member in this place, it will not be possible to move the Attorney General's Amendment.

Mr. BIGGAR would formally move his Amendment, and then the Attorney General might state his views; and as the object on both sides was the same he thought there would be no jealousy. He could imagine cases in which a landlord, for some purpose, might desire to resume possession of a small portion of a holding—to make a road, for instance, or to mend a drain or a water course; and for that purpose it might be desirable that there should be some summary power of getting sufficient land for improvements of that general character. In the same way a landlord might require sufficient ground for building labourers' cottages; and he was strongly of opinion that unless there was some such provision as he suggested the clause would work great mischief. It was not at all desirable that the landlord should have power to take possession of an entire holding, and clear any of the parties from the estate. According to the clause, the landlord must resume the whole of the holding; but surely it would not be necessary for him to resume more than a part of it, in order to make the improvements "for the benefit of the labourers in respect of cottages, gardens, or allotments," or, at any rate, the matter might be left in the discretion of the Court. The Amendment would alter very much the tenour of the clause, and render it much less objectionable.

Amendment proposed, in page 5, line 15, after "resuming," to insert "part of."—(*Mr. Biggar.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the effect of the Amendment would be to restrict the power of the Court in this matter, and to enable it only to authorize the landlord to resume part of a holding. It should be left to the Court to see that justice was done; and as it might appear to them that the interest of the public, or the good of the estate, required that the landlord should resume the holding, or only part of it, so should the Court direct. The Court, they might rest satisfied, would not give the landlord power to resume the whole if the whole was not required; and they might also feel assured that as the landlord would have to pay full compensation, he would not desire to take more of the tenant's holding than he absolutely required.

MR. MARUM wished to point out that if the Amendment of the hon. Member for Cavan was carried, it would be necessary to consider the question of the severance of a holding. Everyone who was acquainted with the manner in which land was acquired under Railway Bills would know that great difficulties sometimes arose with regard to severance.

MR. BIGGAR said, he would not press the Amendment to a division.

Amendment *negatived.*

Amendment proposed, in page 5, line 15, after "holding," insert "or a part thereof."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. PARNELL said, he wished to ask, as a point of Order, whether the Attorney General could move to insert words which had been distinctly negatived by the Committee?

THE CHAIRMAN: As I understand it, there is a difference between the scope of the Amendment of the hon. Member for Cavan, which the Committee has rejected, and the meaning of the Amendment just proposed. The first proposal was that the landlord might resume part of the holding; but the proposition now is that the landlord may resume "the holding or a part thereof."

MR. PARNELL said, he should be obliged to oppose the Amendment, because he held that the power which would be given to the landlord to resume possession of the holding under these circumstances would be a most objectionable one. The landlord would have the power to resume possession of the whole of a holding, or a portion of it; and the power to resume a part of it was, perhaps, even more objectionable than the power to resume the whole. If the Amendment passed, a landlord would be able to cut up a holding in such a way that the part which remained to the tenant would be utterly valueless. The questions of valuation and compensation would arise, and there was no way of meeting or settling these provided in the Bill. He should therefore consider it his duty to take the sense of the Committee upon the Amendment, which was a distinct extension of the right of landlords to resume possession of a tenant's holding.

MR. WARTON said, he thought the Amendment of the Attorney General for Ireland was a very good one; but it would, perhaps, be better to make it read thus—"or any part or parts thereof." Unless it were amended in this way, many difficult questions might be raised by litigious disputants who objected to "part" being confounded with "parts."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): That question is settled by the terms of the clause.

MR. MARUM said, he must protest against the Amendment. He had said, in a public letter, in Ireland, that the Bill had been drawn up after full consideration—that there was not a word in it which had not been carefully weighed—and he, therefore, thought they were perfectly justified in resisting any Amendment that it was sought, by an afterthought, to insert in it. Questions would arise with regard to severance of holdings, and considerable acrimony would be occasioned between landlord and tenant. How did the right hon. and learned Gentleman the Attorney General for Ireland propose to meet cases of severance? When queries of this kind were put it was said, "Oh, the damage is too remote." Well, it was true that the damage was not direct, but it might not be remote; and the damage done to a tenant's holding might be most serious. In this Bill there was no provision similar to that contained in the 10th section of the Land Act of 1870, in which 1-25th was mentioned in regard to the resumption of a holding. If the Attorney

General for Ireland would not state what was the mode of severance, to enable the Committee to consider the question of compensation, and to see whether it was full and adequate, it would be necessary to go to a division.

Mr. SHAW differed entirely from his hon. Friend (Mr. Parnell) as to the effect of the Amendment. So far as he could see, the Amendment would be entirely in favour of the tenant. If the landlord took that part of the holding which was of special value to the tenant, the compensation would be in proportion; but he certainly thought that if they gave the landlord power of resumption at all, it was of immense importance that they should give him power to resume only part of the whole. The landlord might require a small part for a special important purpose—for building a school-house, or for 50 other things—but if they did not accept this Amendment, in such a case the landlord, instead of being allowed to take so much of the holding as he required, would be forced to take the whole of it. He failed to see how the Amendment could be objected to.

Mr. T. P. O'CONNOR considered that the Amendment would prove a constant source of temptation to the landlord to do that which would cause a quarrel with his tenant. It was desirable to discourage the resumption of holdings by landlords; but if they were to be resumed at all, it would be better, in order to avoid difficulty and heartburnings, that the whole and not a part of them should be taken. Very small things were sufficient to occasion bitter disputes between landlords and tenants. He could imagine a landlord saying to himself, under this Amendment—"In order to clear the prospect to my house;" or, "In order to improve my lawn, I must take a quarter, or a piece, of my tenant's holding." The tenant might object—in all probability he would—and the result would be bad blood between the landlord and tenant, which it would take a long time to cure. It was, therefore, the intention of the Irish Members to insist on the Amendment going to a division.

Mr. P. MARTIN said, he hoped hon. Members would not go to a division on the matter, for the reason that the Amendment was one more for the benefit of the tenant than the landlord. If they allowed this power of resumption to the landlord, it might be to the advantage of the tenant to have only a portion and not the whole of his holding taken away from him. Take a case that was not of infrequent occurrence in Ireland—namely, the case where a landlord was anxious to open a lime-kiln on his estate for the benefit of the tenants. He might be desirous, for that purpose, of taking only a small portion of a tenant's holding; and it did seem unreasonable that, in spite of his desire not to deprive his tenant of any valuable part of it, that he should be compelled to take the whole instead of a very small portion.

Notice taken, that 40 Members were not present; Committee counted, and 40 Members being found present,

Mr. P. MARTIN said, that to guard against any unfair or unreasonable exercise on the part of the landlord of the power proposed to be given, he trusted the Government would assent to words being added to the Amendment compelling the landlord, if the tenant so required, to purchase the entire holding. Let him remind the Committee that this would be in accordance with precedents where Parliament conferred a right of compulsory purchase. A clause substantially establishing the principle was to be found in the Lands Clauses Act, to the effect that where a company wished to take part of a holding, the taking of which would render the rest unfitted for the purposes of the tenant, the company should be bound to take the entire of the holding. In the present clause, where the landlord desired to take a portion of a holding, the loss of which the tenant would consider rendered the rest of the holding unsuited to him for the purposes for which he had heretofore held it, the landlord should be bound to take the whole of the holding. If they got some assurance from the Government that would protect the tenant from having his holding injuriously severed, he had little doubt the opposition of hon. Members opposite would cease. The desire, so well known, of tenants to retain and add to their holdings was sufficient to prove they would never, except in extreme cases, and where by the act of the landlord the farm was rendered almost useless, require the landlord to take the whole of the holding when only a small portion of it was required. He hoped an Amendment on the lines he had indicated would be put into the Bill.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, he thought the Amendment before the Committee was in favour of the tenant. It might be that a landlord had a legitimate and proper ground for resuming a portion of a tenant's holding, but he would not be able to do it without resuming the entire of the holding; therefore, the Court might say—"Inasmuch as we cannot give the landlord a portion of the holding without the whole, although he wants a part of the land for a reasonable purpose, we will accede to his application for the whole." It was suggested that if they gave the landlord power to take part of the holding it might press hardly on the tenant, inasmuch as the best part of his land might be taken away and the worst left to him. This case, however, would be met by the clause when supplemented by the words to be added after the word "landlord." This Amendment would leave to the discretion of the Court the imposing of such conditions on the resumption of part of the holding as it might think fit to impose. It might be made a condition of the resumption that no arrangement should be made which would leave an insignificant and insufficient part of the holding in the tenant's hands, and that, where the portion desired could not be resumed except under such circumstances, the landlord should be compelled to resume the entire holding. If words such as he had indicated were inserted in the clause, they would have a state of things beneficial to both parties. The landlord would not be obliged to take all if he merely wanted a part, and, on the other hand, the tenant would not be compelled to keep an insignificant part of his holding that he could not advantageously cultivate. It would be found that putting in these words, properly guarded, would be quite as much in favour of the tenant as the landlord.

Mr. PARNELL said, the suggestion of the hon. Member for Kilkenny (Mr. P. Martin) was one which, if adopted, would remove the difficulty of the situation as to the operation of the Amendment now under the consideration of the Committee. The Amendment which was to be moved later on by the Prime Minister did not meet the difficulty. The tenant should be allowed to choose whether he would sell the whole or a portion of his holding. He had, originally, entered into an agreement with his landlord to take a certain holding, and, by mutual agreement, or under the action of the Court, the rent was fixed; but the landlord came, after this bargain had been made, and after the statutory term of 15 years had been entered upon, and said—"You must give me a portion of this tenancy which you have taken from me." He applied to the Court to say whether the transfer was a reasonable one, and what he had to pay; and, under such circumstances, when the contract that had been entered into between the two parties for a statutory term was interrupted and broken in upon by the action of one of them, it should be open to the other to say—"Now the whole contract shall cease; I cannot enjoy the holding advantageously in its mutilated form, and I, therefore, call upon you to purchase the whole of my interest." The Proviso that was shortly to be moved, and which had been referred to by the Solicitor General—the Proviso giving power to the Court to determine these matters—was not, in his opinion, a fair one. The suggestion made by the hon. Member for County Kilkenny was a reasonable one; and if this were adopted, and it were provided that where a landlord wished to have a portion of the tenant's holding, the tenant, if he so desired, should be able to compel him to purchase the entire holding, all his (Mr. Parnell's) objections would be removed as to the operation of the Amendment.

Mr. LITTON asked, whether it would not shorten the discussion on this question if these words were added, by way of Amendment to the Amendment of the Attorney General for Ireland?—namely, "unless the tenant requires the whole to be purchased." That would meet the objection which had come from the other side, and in which there was some substance. The words of the clause, if amended as he proposed, would run thus—

> "Desirous of resuming the holding or part thereof, unless the tenant requires the whole to be purchased, for some purpose having relation to the good of the holding," &c.

Mr. T. P. O'CONNOR said, he should like to know what the Government had to say to this proposition which had been twice made, first by the hon. Member for County Kilkenny, and now by the hon. and learned Member for County Tyrone (Mr. Litton).

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, they all desired to accomplish the same end, and only differed as to the means. Power would be given to the Court, according to the view it took of the purpose for which the landlord wanted the land, to authorize him to take the whole or part. If the hon. Member for Kilkenny would turn to Clause 8—which dealt with the equities to be administered by the Court between the landlord and tenant—he would find the following:—

> "Where the Court, on the hearing of an application of either landlord or tenant respecting any matter under this Act, is of opinion that the conduct of either landlord or tenant has been unreasonable,"—

and it would be "unreasonable," if the landlord wanted the best bit of land and would not take the rest—

> "Or that the one has unreasonably refused any proposal made by the other, the Court may do as follows:—It may refuse to accede to the application, or may accede to the same, subject to conditions to be performed by either landlord or tenant, or may impose on either party to the application the payment of the costs or the greater part of the costs of any proceedings, and generally may make such order in the matter as the Court thinks most consistent with justice."

If, therefore, the landlord wished to take the best portion of the holding, the Court would have the power either to refuse his application altogether, or accede to it only on the terms of his agreeing to pay a very high price for it. Any other Amendment than that proposed by the Government would rather hamper the subsequent provision which was meant to cover all the difficulties that might arise. The scheme of the Bill was to vest discretionary powers in the Court to enable them to deal with each case on its real merits. No Court would listen to an application of a landlord to take what had been called "the heart" of a tenant's holding and only pay its value *per se*, for such an application would be unreasonable on the face of it.

MR. T. P. O'CONNOR remarked, that the right hon. and learned Attorney General for Ireland had not properly represented the nature of the objections of the Irish Members. Their object, with regard to this clause, was to prevent and discourage resumption on the part of the landlord, whereas the object of the right hon. and learned Gentleman appeared to be to encourage resumption. He understood the Solicitor General for England to say that it would be hard upon the landlord, if he wished to take a certain part of a holding to be compelled to take the whole.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he had discussed the question from an entirely opposite point of view. He thought it would be very hard upon the tenant, if the landlord, really having just cause for taking a portion of a holding, should nevertheless be able to require the Court to give him the whole.

MR. T. P. O'CONNOR thought that matter was provided for by the Amendment which his hon. and learned Friend the Member for Kilkenny (Mr. P. Martin) had suggested. It would be hard not only upon the tenant, but upon the landlord also, that the one should be required to have all of the holding when he only wanted a half; and the adoption of the clause as it stood would raise another cause of difference and quarrel between the landlord and tenant. He knew from his own experience of the relations between landlord and tenant that nothing was a more constant source of complaint than that the landlord, from a desire to beautify his lawn or for some other selfish purpose, insisted upon the removal of a cottage, or took away a piece of his tenant's land. The Amendment of his hon. and learned Friend the Member for Kilkenny met that difficulty in every way. Under that Amendment, the tenant would not be compelled to get rid of all of his holding; but he would have the power of compelling the landlord, if he proposed to take a part, to take the whole.

Question put.

The Committee *divided*:—Ayes 121; Noes 29: Majority 92.—(Div. List, No. 269.)

MR. P. MARTIN moved, in page 5, line 15, after the word "holding," to insert the words "unless the tenant requires the whole to be purchased." He said the object of the Amendment was perfectly plain. It would be most unjust in a case where a portion of the holding was required by the landlord for the purpose, for instance, of making a road for the benefit of other portions of his estate, but where the making of the road would considerably impair, if not altogether destroy, the value of the rest of the holding to the particular tenant from whom the land was taken, not to give the tenant the power of compelling the landlord to take the whole of the holding. It must present itself to the minds of the Committee as an undoubted interference with the rights of the tenant if the landlord was to be allowed to resume possession of parts of the holding from time to time, so that the value of the holding would be materially diminished, and the landlord, nevertheless, be not bound to take the entire holding. A strong argument in favour of pressing this Amendment was that originally, when the Bill passed originally from the draftsman's hands, if the landlord desired to exercise the power of resumption, he was obliged to purchase the entire holding; and the Prime Minister, in introducing the Bill, referred to the provision thus made. It would be most unfair to the tenant, after he had acquired a statutory term of 15 years, to allow the landlord, just as his fancy pleased, to resume any part of the holding without being obliged to acquire the whole. By adopting this Amendment he failed to see how, in equity, any injustice could be done to the landlord. Everybody knew there would be a strong desire on the part of the Irish tenants to retain their holdings. It would be their wish to remain in possession of the land they held, and in no case would they be likely to compel the landlord unjustly and without reason to resume possession of the holding. But there might be cases in which the resumption of a part of the holding would be most detrimental to the interests of the tenant, and, indeed, would practically destroy the value of the holding, and in such cases it was only fair and just to give the tenant the right of compelling the landlord to take the whole. It had been suggested that the Court would have full power to deal with the question; but that was certainly not so under the present section, which regulated what the incidents of the tenancy were that were to be subject to statutory conditions. It simply gave jurisdiction and power to the Court to require a tenant to sell his tenancy to his landlord, if the landlord wished to resume possession, on such terms as might be approved by the Court; but there were no words in the clause to confer a similar right upon the tenant to demand that the landlord, where a portion of the holding was proposed to be taken, should take the whole. Why should the landlord have superior rights to anyone else in a matter of this kind? If a public company desired to take a piece of land under the Lands Clauses Act, and in so doing intercepted the property, the owner could require them to take the whole, on the ground that it was rendered unfit thereafter for the purposes for which he required it. The circumstances in this case were precisely the same, and they were bound in fairness to give the same rights to the tenant. It was manifestly unjust to say that the landlord should have the right, with the assent of the Court, if he pleased, to acquire the whole or part of the holding, and the tenant be exposed to the risk of being left in possession of and liable to the rent of a portion of the land.

Amendment proposed,

In page 5, line 15, after "holding," insert "unless the tenant requires the whole to be purchased."—(*Mr. P. Martin.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) pointed out to the hon. and learned Member for Kilkenny County, that if an absolute power were given to the tenant to compel the landlord to purchase the whole of his holding, in cases where it was only necessary for him to take a small portion of it, very great injustice might occur. He thought the Court might be trusted to do what was reasonable and right between the parties—that was to say, to accede to the landlord's request if it was reasonable, and refuse it if it was not so. His hon. and learned Friend had referred to the Lands Clauses Act, by which public companies were empowered to take both houses and land, and had said that the conditions upon which they were empowered to purchase were the same as those sought to be established by his Amendment. But it must be remembered that the public companies in question had absolute power to purchase, while in this case the landlord had no absolute power. The landlerd had no right to resume. He had simply the right to ask the Court to allow him to do so, and the clause was intended to give the Court power to see that equal justice was done as between landlord and tenant.

MR. WARTON pointed out that the Amendment of the hon. and learned Member for Kilkenny, inserted at the place where he proposed it should be introduced, would have a very remarkable effect upon the clause. The clause, if the Amendment were adopted, would run thus—

> "During the continuance of a statutory term in a tenancy, consequent on an increase of rent by the landlord, the Court may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding or part thereof, unless the tenant required the entire holding to be purchased"—

and this was the point to which he asked the hon. and learned Gentleman's attention—

> "for some purpose, having relation to the good of the holding or of the estate."

The hon. and learned Member would see that the place at which he proposed to insert his Amendment was clearly not the right one.

MR. P. MARTIN said, if it had been necessary, he could have cited not only the analogy of the Lands' Clauses Act in favour of his contention, but also the Notice to Quit Act, framed in 1877. By the section of that Act to which he referred, if the landlord desired to resume part of the tenant's holding, he could be required to resume the entire. It was expressly provided that if, for such purpose, the landlord gave a notice to quit limited to part of the holding, the tenant might serve the landlord with a notice that he accepted the same as notice to quit the entire holding, and that the notice should have effect accordingly. The present section dealt entirely with a cognate subject—namely, where the landlord desired to resume land for the following reasons:—that was to say, for the good of the holding or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments. He trusted that the Committee would not lightly dispose of this matter, because by leaving the clause in its present form a considerable injustice might be done to the tenant. They had already made concessions to the landlord's interest. The right hon. and learned Gentleman the Attorney General for Ireland dwelt continually upon the Court that was to be established; but he would point out that they were at present entirely ignorant as to its constitution. All they knew was that there would be in Ireland 32 separate Courts, always acting in different ways, and each varying in its decisions from the other; and because, under those circumstances, he thought it right that the tenant should be afforded some protection, he must, unless the Attorney General for Ireland promised to deal with the matter on Report, feel it his duty to press his Amendment toa division.

MR. A. M. SULLIVAN said, he thought that it ought not to be left in doubt that if such portion of the holding were claimed as should, in the estimation of the Court, be deemed such diminution of the valuable extent of the holding as to render it questionable for the tenant whether he should continue to hold it, the tenant should have the option of quitting the holding. He should be glad to support the clause in the sense of rendering impossible the capricious exercise of the right claimed for the tenant, to compel the landlord to purchase the whole tenancy. But he suggested that it should be put into the section that if the Court were of opinion that the holding was foiled upon the tenant for the purpose of his tenancy, the Court should take into consideration whether or not the tenant might be allowed to claim of the landlord to take the whole holding.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) admitted that such a provision was necessary, but believed it was already contained in the sub-section.

MR. O'SHAUGHNESSY agreed with the hon. and learned Member for Kilkenny County (Mr. Martin) that the Lands Clauses Act, to which he had referred, had a considerable bearing upon the present question. Very great disadvantage might result to the farmer from the words which gave the landlord power to take a part only of the farm. Take the case of a farm of 10 acres, eight of which were in pasture and two under tillage. Suppose that the landlord wanted to take away two acres that were in pasture, and it was clear that the remainder would be of little value to the tenant. He would be slow to reject an Amendment giving the landlord power to take some part of the farm; but he felt that the tenant should be protected against the taking away of such part as would render the rest perfectly useless for the purposes for which the tenant wanted it. Therefore, if power was to be given to the landlord to take part of the holding, he suggested the addition of words to this effect—that the tenant should not be compelled to give up part of his holding, if the effect of his so doing would be to interfere materially otherwise than by mere diminution of area with the value of the whole.

MR. FIRTH pointed out that the 93rd section of the Lands Clauses Act had also an immediate bearing upon this question, inasmuch as it dealt with the acquisition of land outside towns; and he trusted this point would receive the consideration of the Attorney General for Ireland.

MR. BIGGAR said, the section referred to by the hon. Member for Chelsea (Mr. Firth) applied, undoubtedly, very fully to the present question. Then there was the very much stronger point urged by the hon. and learned Member for Limerick (Mr. O'Shaughnessy) with regard to the effect that the resumption of part of the holding by the landlord would have upon the culture of the remainder of the land. There could be no doubt that the taking away of two or three acres from a farm of 10 acres would, under a variety of circumstances, leave the remainder of very little value to the tenant. For instance, the landlord might take away the part of the farm on which the house was situated, which led to a convenient road, or to the place for watering cattle. Any of those things would be very serious in their effect upon the tenant's interest; and although the hon. and learned Member for Meath (Mr. A. M. Sullivan) had contended for the tenant having the option of going to the Court to make out his case, he (Mr. Biggar) submitted that where a man was competent to form an opinion as to his own interest, it was much better that he should decide for himself. Moreover, the application to the Court would be an expensive operation. For these reasons, he submitted that the Amendment of the hon. and learned Member for Kilkenny was better than the proposal of the hon. and learned Member for Meath, or the suggestion of the Attorney General for Ireland. But if the Amendment of the hon. and learned Member for Kilkenny was lost, the hon. and learned Member for Meath would then have the opportunity of suggesting an Amendment which might be satisfactory to the Government, and which, at the same time, would, as he hoped, mitigate to a great extent the mischief which this clause was likely to bring about.

MR. P. MARTIN said, he had certainly no wish to put the Committee to the trouble of a division; and he was willing, after the assurance on the part of the Attorney General for Ireland, and because the matter could be equally well arranged on Report, to ask leave to withdraw his Amendment.

Amendment, by leave, *withdrawn.*

MR. PLUNKET trusted the Government would not have any difficulty in accepting the Amendment which he was about to move, and which had for its object to give power to the landlord to resume possession of the holding, or any part thereof, for building purposes. He submitted that this Amendment was necessary, because he believed the object in view would not be covered by the words of the sub-section—"for the good of the holding or of the estate." He felt sure that it was not the intention of the Government to deprive the landlord of the right to convert a part of his property to the purpose of building if he paid proper compensation for it; and as he submitted that the interest of the tenant was perfectly protected by the sub-section, he trusted the Government would have no difficulty in accepting the Amendment which he begged to move.

Amendment proposed, in page 5, line 15, after "holding," insert "or any part thereof for building purposes."—(*Mr. Plunket.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: I think this Amendment is unnecessary. Nothing can be regarded as more reasonable than the resumption of the holding, or a part of it, for building purposes; but, according to our view, this is included in the words of the clause as they now stand. I should be very sorry, however, to offer opposition to the introduction of these words, with the opinion we have upon the subject, and in view of the admission we have made; and, therefore, if the Committee wish for the words contained in the Amendment of the right hon. and learned Member for the University of Dublin, we shall have no objection to their being inserted.

Mr. PLUNKET said, after the statement of the right hon. Gentleman, he should not press his Amendment.

Amendment, by leave, *withdrawn.*

Mr. LEAMY said, he proposed to leave out all the words after the word "thereof," the last word of the Amendment of the Attorney General for Ireland, which now stood part of the clause, down to the word "for" in line 16. He moved the omission of these words—"for some purpose having relation to the good of the holding or of the estate, or," because, as he submitted, if the tenant had a real interest in his holding, and if that interest was partly constituted by the property which had been created by his own improvements, it was very unfair to allow the landlord to resume possession of the property of the tenant, simply because he might think his doing so was for the good of the holding. Again, he was opposed to the retention of these words because he thought it was wise to lessen the number of opportunities which the Bill afforded for litigation. The Bill was introduced for the purpose of settling the Land Question in Ireland—at least, that was professed with regard to it; but there was not the slightest doubt that had it been intended to introduce a measure for the purpose of promoting litigation, no better Bill for that purpose could have been devised. Therefore, for the protection of the property of the tenant, and in order to remove one of the causes of litigation which would otherwise arise, he begged to move the Amendment standing in his name.

Amendment proposed, in page 5, line 15, to leave out from "holding" to "for" in line 16.—(*Mr. Leamy.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. GLADSTONE said, that to accede to the Amendment of the hon. Member for Waterford would really mean the striking out of the principal part of the essence of the clause, and therefore he was not prepared to accept it. It was but just that the landlord should be enabled to fulfil his ordinary responsibilities. For the sake of greater clearness, and in conformity with analogous language in the Bill, he should, however, propose, if the words "for some" in line 15 were retained, to move that the words "reasonable and sufficient" stand part of the clause.

Mr. BIGGAR looked upon the point raised by the Amendment of the hon. Member for Waterford as exceedingly important, and was not at all influenced by the argument of the right hon. Gentleman the Prime Minister, because he thought the interest of the tenant in this matter was of far more importance than the interest of the landlord, notwithstanding that the tenant's holding was small in proportion to the whole estate of the landlord. As a rule, the landlord was a wealthy man, and it mattered comparatively little to him whether his estate was improved or whether the tenant was put out of house and home and ruined. Therefore, he thought the words proposed to be left out should be omitted from the Bill. He had not heard a single argument advanced in favour of resumption on the part of the landlord. The landlords of Ireland had derived many benefits from the tenants in the way of rents and the improvements of their estates. He was not prepared to argue that they should cease to receive any rent; but he reminded the Committee that the general experience in Ireland was that any interference on the part of the landlords had been mischievous, and, therefore, he thought that the less the power which the landlord had of interfering with the conduct of the tenant the better. It would be far better that the tenant should watch over his own interest, and that the landlord should confine himself to his province of receiving his rent. He hoped his hon. Friend would press his Amendment.

Mr. HEALY said, he was not in favour of taking a division upon the Amendment, although he agreed with the proposal to strike out these words, which, in his opinion, would lead to much legal argumentation. There was a belief in Ireland that every man had his guardian angel; henceforward every tenant would stand in need of a guardian attorney.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 5, line 15, after "some," insert "reasonable and sufficient."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

SIR HERVEY BRUCE moved to insert, in page 5, line 17, after "allotments," the words "places of worship, schools, and residences for schoolmasters." He thought the Prime Minister could have no objection to including these things, for they were all useful, and he had had great difficulty in getting residences for schoolmasters.

Amendment proposed,

In page 5, line 14, after the word "allotments," to insert the words "places of worship, schools, and residences for schoolmasters."—(*Sir Hervey Bruce.*)

Question proposed, "That those words be there inserted."

MR. HEALY suggested that the hon. Baronet should insert, also, "Orange Lodges and Land League Committee Rooms."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought the words of the clause covered everything that was necessary, including residences for schoolmasters; but lest there should be any doubt about that, he would consider it on a subsequent stage.

Amendment, by leave, *withdrawn.*

MR. MARUM proposed to insert the words "due regard being had in the premises to the general good of the community at large." These words, he observed, would not disturb the language of the section, and he thought they were necessary to qualify the powers given in the clause for the good of the estate. These words would qualify any attempt at consolidation by the landlord. The Court might be able to say it was very well for the landlord to look to his own interest; but if there was an official, there should be some check on him, and it was desirable to introduce some words, however vague and general, to enable both parties to go to Court, and object to any scheme for consolidation.

Amendment proposed,

In page 5, line 17, after "allotments," insert "due regard being had in the premises to the general good of the community at large."—(*Mr. Marum.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he did not think it would be satisfactory to have words qualifying the language of the clause.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 5, line 18, after the words "resumption thereof by the landlord," to insert "upon such conditions as the Court may think fit."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Amendment proposed, in page 5, line 19, to insert the words "the whole or such part."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. WARTON said, he did not see the value of the word "whole," and suggested the words "the tenancy or such part thereof."

Amendment *agreed to.*

SIR HERVEY BRUCE proposed to insert, after "tenant," the words "which shall in no case exceed five years' rent." He observed that he did not desire to stick to the limit of five years particularly; but as this Bill was to be for public purposes, he thought there should be some limit, so that a fancy price should not be put upon some small piece of ground for a residence or a place of worship. The Amendment would be for the benefit, not of the landlord, but of the community at large, and he urged the Government to put some limit to the price.

Amendment proposed,

In page 5, line 20, after the word "tenant," to insert "which shall in no case exceed five years' rent."—(*Sir Hervey Bruce.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE could not agree to the Amendment, and said the Court, in dealing with these questions, would, while allowing for anything exceptional in the removal of a tenant, be guided by the principles laid down by the 1st clause in the main as between landlord and tenant. The Government had not attempted to introduce any arbitrary limitation, and the hon. Gentleman was not correct in saying that this Bill was for the benefit of the public. On the contrary, it was for private purposes; and although it might be beneficial to the public, it was not as if they were dealing with the dedication of land for public purposes. For example, if they brought in words to meet the idea of the hon. Member, they would be on the principle that they would conduce to the improvement of the immediate neighbourhood. At any rate, they could not here introduce an arbitrary limitation for tenant right, for that would be quite contrary to the whole analogy.

Mr. A. M. SULLIVAN wished to point out an instance of the curious ideas of justice which some landlords had in dealing with tenants. Here was an Irish landlord who, if his land were taken for a public purpose, would call it robbery, now said the tenant was not to have more than five years' compensation, although the tenancy might be worth 15 years' rent.

Sir HERVEY BRUCE, in answer to the remark of the hon. and learned Member, which was so very derogatory to the Irish landlords and so contrary to usual practice, and in answer to the Prime Minister, said, he could not agree that a place of worship would be for a private purpose or for the benefit of the estate. He had found considerable difficulty in getting sites for public places of worship and for schoolmasters' residences. He thought the hon. and learned Member for Meath had no justification for his observations.

Mr. BIGGAR said, he did not know whether the hon. Baronet intended to go on with this Amendment; but it seemed to him that the hon. Baronet was thoroughly correct in saying that churches and school-houses were more or less for public purposes. The hon. Baronet, however, seemed to have forgotten that this was only a minor part of the paragraph, which referred also to matters of a purely private nature—namely, labourers' cottages; and he thought the Amendment might be withdrawn and the clause allowed to stand as it was.

Amendment *negatived.*

Mr. BRODRICK said, the Amendment he was about to put was one which he thought he might fairly put on the ground of public advantage, and not on any personal or selfish ground, either with regard to the landlord or the tenant. The Amendment was not new to the House, for the pleas involved were almost identical with those in the Act of 1870, and the principle had received the direct sanction of the Prime Minister by his introduction of it into that Act. There were one or two points with regard to this Amendment about which there could be no controversy. He did not think any hon. Member would deny that the present condition of the labourers' cottages in Ireland was something like a disgrace to the country, and he was quite certain, whether they put the blame on the landlord or on the tenant, hon. Members, as a rule, would be glad of any opportunity of supporting a proposal which tended to improve the condition of a class which had too much escaped the attention of the Committee during the progress of this Bill. He might cite passages from the Report of the Bessborough Commission to show how bad the condition of the cottages had been; but he would only give one or two special instances bearing on the Amendment. The fact was, and must be generally admitted, that labourers' cottages, if comfortable, could not be built in such a way as to pay, for no rent which an Irish labourer could afford would repay the outlay. Therefore, if it was wished to make the erection of these cottages easier in the future, facilities must be given to those who intended to erect them. He had looked out three or four cases in the Bessborough Commission to bring before the Committee as representative cases, to show that not only were the labourers badly housed, but that this Amendment would be an advantage to them. Mr. Hecarty, a tenant farmer in the county of Cork, had described the condition of the labourers in Ireland as a disgrace to all parties, and had said he did not know how they could exist in the cottages. The Rev. Thomas Meagher, of Newport, Tipperary, had said before the Commission that he would make the erection of cottages compulsory on the landlord, and that—

> "If you want to remedy the grievances of the labourers who are crowded in the villages you must give them a plot of land and a house each and distribute them among the farmers. I would do nothing for tenants who are unwilling to give up one twenty-fifth of their land to the labourers."

Unless some such method as he proposed in this Amendment was adopted, it would be impossible to distribute the labourers among the farmers. There was one other piece of evidence worth citing. Mr. Barry, a land agent and large farmer, said he would try to have the labourers comfortably housed; and as to having them subject to the landlord directly, or to the farmer, he said they would prefer to be under the landlord directly. It was desirable to give the landlords facilities for carrying out improvements in this respect, and that would have a most beneficial effect on the labouring population of the country. From the evidence given before the Bessborough Commission, it would be found that on estates like those of Lord Fitzwilliam, Lord Bessborough, and Lord Leconfield, the position of the labourers was infinitely better than on the estates of those who had gone by the custom of the country and had left the farmers to build the cottages for those they employed. He would not insist upon that point with regard to any particular estate; but it must be obvious that when they were asking people to fulfil a duty which was not a paying duty, they must put facilities in their way. At present, the Committee had not put any facilities in the way of the landlords, while they had taken away facilities which were given by the Land Act of 1870, which said that, unless the Court should deem it unreasonable, so much land, not exceeding 1-25th of the holding, as might be *bonâ fide* required for the improvement of the estate by the erection of one or more labourers' cottages, should not be subject to compensation, except in respect of improvements, nor be deemed a disturbance, and should not be liable to anything except an abatement of rent in proportion to the value of the land to be taken. That seemed to be just and fair; and all that he should ask the Committee to do would be to enforce that proposal in this case, by taking away all question of compensation for disturbance and tenant right in respect of those portions of holdings which might be necessary for the general progress of the country —a progress which would be irrevocably checked unless the proposal was adopted. The Prime Minister had said they ought to give power to the landlord to improve his estate for the benefit of the labourers, and that was all he asked the Government to do. Unless that were done, the landlord would be met with great difficulties.

Amendment proposed,

In page 5, line 20, after "tenant," insert "Provided that if the land thus resumed by the landlord for the benefit of the labourers in respect of cottages, gardens, or allotments do not exceed in the whole one twenty-fifth part of any individual holding, it shall not be deemed a disturbance of the tenant within the meaning of 'The Landlord and Tenant (Ireland) Act 1870,' and shall not subject the landlord to any claim for purchase of tenant right, or to any claim for compensation, except in respect of improvements, beyond an abatement of rent proportionate to the annual value of the land thus taken by the landlord."—(*Mr. Brodrick.*)

Question proposed, "That those words be there inserted."

MR. W. E. FORSTER agreed that the Committee ought to aim at providing cottages for the labourers, and to give the landlords power to do that; but he could not agree to this Amendment, which would take from the tenant property which at present belonged to him. He thought the hon. Member could hardly have calculated what the effect of the Amendment would be. They had declared by the 1st clause that the tenant had the tenant right, but the hon. Member proposed to destroy that. It was very desirable that cottages should be put up, and it was necessary to enable the landlords to do that; but they ought not to give them the power of taking that which belonged to the tenants without paying for it.

MR. GIBSON said, he did not see that the right hon. Gentleman had given any reason against the Amendment. What was the position of this question? It was admitted that the labourers in Ireland were not in a satisfactory condition, and that unless something was done to encourage the landlords and the tenants to improve that condition nothing would be done in that direction. This Amendment endeavoured, not to give a direct inducement to the landlord, but to free him from discouragement in improving the condition and status of the labourers. By the 1st clause of the Bill, as framed by the Government, the landlord was permitted to resume possession for certain purposes —amongst others, for providing cottages and gardens and allotments to the labourers. He was in favour of that provision; but it was sought, in the present Amendment, to give vitality and vigour to that clause, and without this Amendment it might be a dead letter. They could not expect the landlord to go and improve the condition of his labourers at a dead-money loss. All that the Amendment sought to do was to provide that if a landlord got an order from the Court to resume a moderate portion of the tenant's holding, and satisfied the Court that he did *bonâ fide* want land for the real purpose of improving the labourers' condition on the holding, he should be freed from the obligation under which, otherwise, he might suffer, of paying on a substantial scale for disturbance. If there was any point in the particular phraseology of the Amendment, he was sure his hon. Friend would be willing to meet the difficulty; but that was not the way in which the Amendment had been met by the Chief Secretary. He had met the Amendment with a distinct statement that he would not accede to it, and it should not be acceded to; but he (Mr. Gibson) would be very glad if, on consideration, the Government could see their way to look at the matter from a somewhat different point of view. He ventured to think that if this Amendment, or some Amendment embodying its principle, was adopted, it would meet with the substantial support of both sides of the House, and would not tend to do one single particle of harm to anyone. As well as he could follow the right hon. Gentleman, what he said was that this Amendment might have the effect of taking away from the tenant property which they desired to confer upon him. But if the landlord went to the Court and satisfied the Court that he had a fair case for resuming possession of a part of the holding in which he had a substantial property, and showed that he had a *bonâ fide* intention, was it unreasonable to ask the tenant, as in this Amendment, that his application should not exceed 1-25th, and that all he should have would be an abatement of rent proportionate to the annual value of the land? Was there a single thing in this Amendment which was not reasonable and fair as between man and man, as between the landlord and tenant on the one side, and the labourer on the other? Everyone who looked at the matter fairly would be disposed to accede to the Amendment—nay, everyone, except, perhaps, those who disliked the landlords more than they liked the labourers, would agree to it.

Mr. GLADSTONE said, he remarked a change in the tone in which the Amendment was supported. He saw no reason whatever why they should heat their spirits in the discussion. Although it was clear that the range of the Amendment was limited, Her Majesty's Government were not prepared to accede to it. When the landlord desired, and very properly desired, to resume part of the holding or the entire holding for the purpose of building labourers' cottages, it would be no part of his duty before the Court to prove that he was going to impose on himself any sacrifice whatever. When he had got the holding in his hands, and had paid the price of the tenant right to the man who had quitted, he would be free, if he chose to do so, to cut it up into sites for labourers' cottages, to let it as he pleased, and to charge what rent he liked for the cottages. These labourers' cottages were excluded in principle, and, he believed, by the very terms, from the operation of the provisions of the Bill; consequently, they did not call on the landlord to make pecuniary sacrifice; but what was proposed by the hon. Member opposite was that the tenant should be called on to do this, and that, instead of obtaining the full compensation for his tenancy which was involved in the idea of tenant right, he should receive only compensation for his improvements. Her Majesty's Government had always contended that there was another element besides compensation for improvements—namely, compensation for tenant right. By the Amendment, they would deprive the tenant of a portion of his interest in the holding, and would not confer on the landlord any right whatever. Under the circumstances, the course of the Government was clear—they could not agree to the proposal.

Sir STAFFORD NORTHCOTE said, the principle of his hon. Friend's proposal was that something should be done that would be for the good of the labourer. The right hon. Gentleman said that if the arrangement were made in the way the Government proposed that it should be made, nobody need suffer—neither the tenant, because he would be paid for the tenant right he was supposed to have, nor the landlord, because he could charge any rent he pleased. But the object of the supporters of the Amendment was to see in what reasonable way the labourer could be provided with his dwelling at a fair and moderate rent. They had heard a great deal about tenant right and this property that was in the tenant, and they had had a considerable amount of discussion on the subject. As far as he had been able to make out, that property arose, or was said to arise, under the legislation of 1870—under the Compensation for Disturbance Clause of the Act of that year. But, if that were so, the case of labourers' cottages did not arise. In the 10th section of the Act of 1870 it was laid down that the landlord might, after a certain notice, resume possession of so much land as he might require for the *bonâ fide* purpose of erecting labourers' cottages, so long as it did not exceed 1-25th, and such resumption should not, unless the Court believed it was unreasonable, be deemed a disturbance of the tenant, and should not subject the landlord to any claim for compensation. They had expressly excluded the tenant from the property that they now said he was to have in those parts of his holding, not exceeding 1-25th, which were resumed for the special purpose of providing for the labourer. It seemed to him the question was not whether they were going to take from the labourer something he had already, but whether they were going to give the tenant, at the expense of the landlord, a property they said they would not give him in the Act of 1870.

MR. CHARLES RUSSELL said, the right hon. Gentleman was very fond of going back to the Act of 1870; but they had got beyond that Act now, and he was proud and happy to think that they had. But, more than this, they had also got beyond the 1st clause of this Bill. The 1st clause of the Bill provided that henceforth—he always contended that they had it before, but, at all events, this made it clear and unmistakeable—the tenants had a saleable interest in their holdings. Very well, that having been passed by the Committee, what did the Amendment propose? It proposed that a quota of that interest should be taken away from the tenant, that it should be devoted to the erection of cottages for labourers, that the cottages, when built, should be on the soil and freehold of the landlord thus resumed, and that he should be able to charge what rent he chose for them. Though he entirely sympathized with the object which the proposer of the Amendment had in view, he was opposed to the carrying out of that object without any sacrifice on the part of the landlord, and at the expense of the tenant. As the right hon. Gentleman had referred to the Act of 1870, he would ask what effect had the 10th section had? It was all very well for hon. Members to put forward specious arguments—and when he said that, he did not deny that some hon. Members might be perfectly sincere in their arguments and statements as to the desirability of providing for the labourers—but, though this Act had been on the Statute Book for 11 years, what evidence was there to which anyone could point to show that the landlords had given practical effect to the clause by building cottages for labourers? He submitted, therefore, that this was an attempt to subtract from the interest of the tenant, and, by subtracting from the interest of the tenant, to give effect to what in itself, he admitted, was a praiseworthy object.

MR. CHAPLIN said, it was perfectly true they had got beyond the Act of 1870, and a very considerable distance, too.

MR. HEALY: And I hope we shall go further yet.

MR. CHAPLIN said, he remembered, however, that 11 years ago they were frequently told that the Land Act was to be a final measure, and that the landlord might consider himself permanently bound by it. But, though they had gone some distance beyond the Act of 1870, the measure before them was not yet passed into law; therefore, whatever property was vested in the tenant at all was vested in virtue of the Act of 1870, and not in virtue of any clause or clauses that might have been inserted in the Bill. It was true that the Amendment was limited in its range. But there were two facts which had come out clearly—first, that cottage accommodation for labourers in Ireland was exceedingly bad; and, secondly, that under this Bill, as it stood, the landlord would be placed in a position of the greatest difficulty in endeavouring, in any way, to improve that accommodation. What would be the consequence of refusing the Amendment? Either the labourers in Ireland must do without improved cottage accommodation in the future; or they would have to occupy the cottages as sub-tenants, in which case they would be introducing all the evils of middle-men in the old days. Without disparaging the tenant farmers of Ireland, as far as he had been able to gather from all the information which had come before him, it was in the case of holdings sub-let by tenant farmers that the worst cases of rack-renting had occurred. The right hon. Gentleman the Chief Secretary to the Lord Lieutenant had pointed out that in the Bill up to the present time they had given power to the landlord to resume his holding. Yes, but at what cost? The right hon. Gentleman opposite had said that the landlord would not suffer, and had pointed out that he could charge what rent he pleased to the labourer. Very well; but he had thought that the object of the Bill was to introduce fair rents into Ireland. Here they had a proof of the want of interest taken by the Government in the condition of the poor labourers; while, at the same time, there was no lack of evidence that they were ready to inflict any penalty whatever on the landlords in order to obtain low rents for the tenants. The Government would do wisely to accept the Amendment in the interest of the agricultural labourers of Ireland. If they did not accept it, he should look upon it as another and a new departure from those sound principles of legislation which had hitherto governed the relations between landlord and tenant.

Mr. SHAW said, they could not improve the condition of the labourer of Ireland unless they did it by some power outside the landlord and tenant; and it appeared to him that the Amendment was somewhat confusing in the minds of some hon. Members. If by it was meant that the landlord should take advantage of the tenant, and charge what he pleased to the labourer, he (Mr. Shaw) contended that he had no right to do anything of the kind; because, in this way, he might take land from a tenant, without compensation, and build up for himself a most valuable property. But it was a different thing if by the Amendment was meant that a landlord was to have power to provide for agricultural labourers working on the holding. If a tenant had 100 acres of land, he would, necessarily, require labourers to enable him to farm it properly; and if they were to provide machinery for giving better accommodation to those labourers, he would not give the farmer a tenant right in the land resumed by the landlord by the operation of such machinery for such a purpose. The farmer should be satisfied in having had the condition of his labourers improved.

Mr. W. H. SMITH would advise his hon. Friend to accept the recommendation of the hon. Member for the county of Cork (Mr. Shaw), and add to the Amendment the words "for the benefit of the agricultural labourers on the holding." There could be no doubt that labourers' cottages were not built by landlords as a mere matter of speculation, and there also could be no doubt that the possession of good labourers' cottages was a great advantage to a tenant farmer, inasmuch as he was able to secure more steady and efficient labour. Inducements ought to be held out to landlord and tenant alike to provide decent buildings and homes for their labourers.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, they were all agreed that it was a desirable thing to provide decent dwellings for the agricultural labourer; but the question now was, who was to pay for them? It was desirable that the landlord should resume land for these dwellings; but by the clause, as it stood, he would pay full compensation to the tenant, whose land he took, whether he took it for labourers' cottages or for any other purpose. What difference did it make to the tenant for what purpose the land was resumed? Then, it was proposed that the words "for the benefit of the agricultural labourers on the holding" should be accepted; but they would place the Committee in a difficulty, for the labourers so housed would probably not hold under the farmer, but be cottier tenants holding direct from the landlord. It was desirable, for public purposes, that these cottages should be built, and that land should be resumed for the purpose; but why on earth was the tenant to pay for the realization of these public purposes?

A great deal had been said about "confiscation." Whenever anything was proposed that in the very smallest degree interfered with the landlords' interests, there was a great outcry from hon. Gentleman opposite; but those hon. Members did not seem to think there was any harm in confiscating a certain portion of the tenant's property. They had already affirmed the principle that the tenant should be entitled to sell his interest in his holding for what he could get for it; but now they wished to provide that where a resumption was for a particular purpose, though the landlord had to pay full compensation in other cases, there should be no compensation paid. It was no answer to this to refer to the Act of 1870, because the parties could contract themselves out of it. There was no such power now. Where there was a compulsory sale of part of an interest, he should have thought that a higher price should be given than where the sale was voluntary; but that did not seem to be the view of hon. Members opposite, who had suddenly conceived a regard for the Irish agricultural labourers, and seemed anxious to provide for them at the expense of the tenant farmers. From this, he (the Attorney General for Ireland) must entirely dissent.

SIR WALTER B. BARTTELOT said, he could not conceive how the Committee could for one moment doubt what the intention of the Amendment was. If it was for the benefit of the tenant farmer that the labourers' cottages were built, it could not be reasonable that the landlord should be called upon to pay an extra price to secure the accommodation. Whilst they were providing for the improvement of the tenant, they must also provide for the improvement of the labourer. The argument of the right hon. and learned Gentleman was really that these improvements should not be effected at all, or, if they were, that they should be effected absolutely and wholly at the expense of the landlord. The Amendment was reasonable, and ought to be accepted by the Committee.

SIR STAFFORD NORTHCOTE said, he must protest against the very quiet way in which the hon. and learned Member for Dundalk (Mr. Charles Russell) and the Attorney General for Ireland assumed that what was done in passing the 1st clause of the Bill had given the right to exclude such an Amendment as that which his hon. Friend proposed. As he had pointed out, under the Act of 1870 the case before the Committee was expressly excluded. But the Attorney General for Ireland got up and said they had gone a long way beyond the Act of 1870, and that, in the 1st clause of this Bill, they had affirmed the right of the tenant to sell his holding, and now they were going to take away a portion of that right. He (Sir Stafford Northcote) begged to say that they proposed to do nothing of the sort. This was a Bill which, he presumed, would be a complete Bill when it was passed and not before. They must take one part of it with reference to its bearing on other parts. The 1st clause said the tenancy might sell his tenancy—

"Subject to the following regulations and subject also"—

and he would draw special attention to these words—

"to the provisions in this Act contained with respect to the sale of a tenancy subject to statutory conditions."

Well, they had to define what was meant by these reservations, and here in this particular clause they were dealing with them. They were proposing with regard to them that there should be a power of resuming a portion of the land for a particular purpose for the benefit of the labourer and, indirectly, through the labourer, to the tenant. What his hon. Friend proposed was that they should adhere to the rule made in 1870 which excluded the right of the tenant to claim compensation if 1-25th of the holding was taken. When they considered how important it was that there should be proper accommodation for the labourers and that the burden of building the cottages would fall on the landlords, there could be no doubt whatever that the Amendment proposed was a most reasonable one.

COLONEL COLTHURST said, the question was, to whom were they to look for the improvement of labourers' dwellings on agricultural holdings? He submitted that they must look, under the conditions that this Bill would establish, to the tenants of the holdings for such improvement. Though he had been subjected to misrepresentation for having stated it the other night, he would repeat that they ought to render it obligatory on the tenant to raise money to build decent houses for the labourer. The Amendment would have very little effect, even if accepted, for they could not expect the landlords to build these houses.

Sir R. ASSHETON CROSS said, he thought the Attorney General for Ireland had not answered the speeches which had come from that (the Conservative) side of the House on the subject of this Amendment. Even granting that all improvements belonged to the tenant, the foundation of tenant right, as described by the Prime Minister, was this—the right to a holding fortified by compensation for disturbance. But in this matter that fortification was gone, because, according to the 10th section of the Act of 1870, there was to be no compensation for this particular disturbance. The Attorney General for Ireland had not answered that point; and in this matter the holding stood on an entirely different footing from the ordinary footing of land taken for other purposes.

Mr. GLADSTONE said, it was quite true that under the Act of 1870, when land was taken away for the purpose of being given for labourers' cottages, there was no compensation for disturbance. The taking of the land was not to be the foundation of a claim for compensation. That was consistent with the view in which the Land Act was passed; but, as he had stated all along, it was not perceived by the proposers or opponents to that Act, that they were really laying the foundation for tenant right. They made an important step towards tenant right, but did it without full consciousness of what they were about. Their object had been to fine the landlord for ejecting the tenant, and, as they did that, it was not an unnatural thing to say that in cases, and within the limits in which they authorized the landlord to take the land of the tenant for the benefit of the labourer, the landlord should not be fined. The case, however, was different now. In the 1st clause they had laid down a general rule—he did not say that it did not admit of exceptions—that the tenant should sell his interest, and that interest, according to their contention, embraced more than his improvements. By the Amendment the tenant right would be impaired, and the tenant would be compelled to make a sacrifice in order that labourers' cottages might be built, whereas the landlord would not be called upon to make any sacrifice at all. Under the Bill there was nothing to prevent the landlord taking the best rent he could get. It was said that they might trust to the landlord's benevolence. Why impose a compulsory fine upon the tenant? Why impose upon him a law to sacrifice a part of his property in order to enable the landlord, if he pleased, to turn that sacrifice to his own profit? That was the effect; and he was reminded most properly by his right hon. and learned Friend the Attorney General for Ireland that the enactment of 1870—to which he gave effect as far as compensation for disturbance was concerned — did not apply to Ulster, or to districts in which the Ulster Custom prevailed. In Ulster, where there was tenant right, there was no power to the landlord to take rent without a charge for tenant right. If they adopted this Amendment, it must be with compulsory provisions to prevent the landlord deriving a profit.

Lord GEORGE HAMILTON said, the Prime Minister had argued on the footing that, by the Act of 1870, no landlord in Ulster could get possession of any part of a holding without paying the tenant right for the whole of it. He thought that was the law; and the result was this—that in certain cases, where landlords were anxious to get hold of small portions of the tenants' holdings for the purpose of labourers cottages, they were unable to do so unless they chose to pay the tenant right for the whole of the holdings — [*Cries of* "Name!" *and* "Where!"]—and there were certain landlords who were unable to bear that expense. There was a gentleman with whom he had the pleasure of having an interview who related to him the following circumstances. The gentleman was not a well-to-do landlord, and he lived in the county of Armagh; and there happened to be a tenant who had a certain holding of 13 or 14 acres. He was an absentee tenant, having purchased under the "Bright Clauses" a farm in another part of the country, and this tenant charged certain cottiers for two cottages more rent than he paid the landlord. This landlord was most anxious to build cottages for those labourers, but was unable to do so because the tenant objected to give up any portion of the holding unless he was compensated to the full amount of that holding. The question before the Committee was a simple one, and the argument of the Prime Minister and the Attorney General for Ireland had taken it away from the real issue. It was simply this—supposing the tenants refused, or were unable to build cottages for the accommodation of the labourers, was the landlord to obtain land for that purpose at a fair price, or was he to obtain it at a maximum which nothing but land hunger could produce? If the landlord got the land clear, he must charge a proportionate rent upon the labourers; and the whole argument of the Attorney General for Ireland amounted to this—that it was better that the tenants should get compensation under this Bill, in order that a higher rent should be put upon the agricultural labourers. He would undertake to say this—that if agricultural labourers had been in possession of the franchise, the Attorney General for Ireland would never have made his last speech. Therefore, it seemed to him that if tenants were unable, or deliberately chose to neglect their duty of providing proper cottages for their labourers, it was only fair that the landlord should step in and obtain it on such reasonable terms as would enable him to place a reasonable rent upon it, and to place the agricultural labourers in cottages at such a fair rent.

Mr. SHAW said, he hoped that his hon. Friend would not press his Amendment. He thought it would be a perfectly absurd and monstrous provision. He begged to say that he should support any and every Amendment in the Bill which could have the effect of benefiting the Irish labourers.

Mr. O'CONNOR POWER said, he thought that the Committee had got from the attempt to deal with this subject of the labourers' dwellings under the sub-section. It was perfectly true that the sub-section in this clause referred to the power of the landlord assuming the land for certain purposes; but the purpose of building labourers' cottages was only referred to incidentally, and he should despair of Her Majesty's Government ever being able to grapple with this question if they put forward this clause as a settlement. If that were so, why should they pass such an Amendment? First of all, this Amendment was founded upon what experience? Upon the experience from that clause of the Land Act of 1870 which gave the landlords certain powers of buying land for these purposes. They knew that it came to nothing; and if they passed this Amendment, they would be passing it with the teaching of 11 years of experience. He appealed to Conservative Gentlemen—for he had no reason to suspect that they were as reasonable as Irish Members—not to join Her Majesty's Government if they were disposed to pass a sham Resolution of this kind. It seemed to him that this question of granting a plot of ground and a dwelling house to the labourer was one of the greatest possible delicacy and difficulty. This giving the labourer an acre of land and a plot for his dwelling was generally accompanied on the conditions of its forming a part of the hire; and this was a control over the labourer which he was not willing to give to the tenant farmer, except upon clear and exceedingly definite conditions. If they dealt with this question either indirectly by this Amendment, or by others, as suggested, it would be really tinkering with the subject. He appealed to the hon. Member for West Surrey (Mr. Brodrick) to withdraw the Amendment, for it could accomplish no good; and as to the generosity of the landlord indicated in the speeches in support of it, he could only say that it reminded him of the generosity of the man who

> "Out of his bounty
> Built a bridge at the expense of the county."

Sir GABRIEL GOLDNEY remarked, that if the unfortunate labourer were to have a provision in the Bill to build a cottage for him, hon. Members said that there was no chance of the landlord doing it, and if he did it would be to the detriment of the tenant. Why not give the labourer a chance of having something done for him? The right hon. Gentleman (Mr. Gladstone) seemed to argue this question upon a wrong basis. The supporters of the Amendment were trying to engraft something from the Land Act of 1870; and, amongst other things, they were going to engraft upon it that if the rent was raised for a statutory term of 15 years, subject to certain incidents of that term, and amongst the incidents and conditions that were proposed by his hon. Friend the Member for West Surrey was this—that instead of having he whole land for the 15 years, he should have abstracted from that 15 years' term, allowing a fair abatement of rent, a sufficient portion of that, not exceeding 1-25th. [Mr. GLADSTONE dissented.] The Prime Minister shook his head. But let them look for a moment at the Bill itself. Under the 3rd section they had laid down this—that if there was an increase of rent, either by agreement between the landlord and tenant, or, if the agreement could not be come to, the tenant should have his return in the holding for a period of 15 years, subject to the after-mentioned conditions, and subject to the incidents of the tenancy which were provided in the section of the Bill which they were now discussing. The condition was a fair and reasonable one, and it referred to the Act of 1870, because it was engrafted upon that. That was a new interest created by the tenant; but that did not apply to that Act. The Amendment was moved by the hon. Member for West Surrey with the view of carrying out what all Members had been anxious to get favoured in some way or other—namely, that further provision should be made for the tenant on the holding itself, and the Government were not giving the landlords the chance, on the mere pretence or statement that he had not done something before. The reason the landlord had not done something was because he felt the matter insecure. In view of the possibility of the labourer being benefited, yet the Committee were to say that because the matter had failed under the Act of 1870 they were to do nothing for him under this Bill.

MAJOR NOLAN said, he was of opinion that only the fringe of the question had been touched by the hon. Member for West Surrey. They had got a Bill brought in which was totally unsatisfactory to the labourer in Ireland, and they had got an Amendment which offered something; but he feared that it would be totally inoperative. The Amendment proposed to take something out of the farmer's pocket to build cottages for the labourer; but, as the Prime Minister had remarked, the landlord had this power under the Act of 1870 and had not used it. At any rate, he was prepared to say that under that provision of the Act of 1870 very few cottages had been built in Galway. He thought that something of greater importance should be done for the labourer. His hon. Friend the Member for Mayo (Mr. O'Connor Power) said that this was a delicate subject. At the same time, while he differed from the Amendment to a certain extent, if he thought the Government would not introduce a provision into the Bill for the labourer, he would vote for the Amendment, because he believed it would be of some use to the labourer. He hoped that the Government would do something; and he would suggest something that was perfectly in accordance with political economy, and what was done by every other country in the world. The Town Commissioners or the Poor Law Guardians should have the power of buying land for this purpose. He did not think that the landlords or the farmers should do it. There were cases of farmers who charged extortionate rates; but whilst he would take away this power from them, he would give them a small percentage more than they paid the landlords, in order that Town Commissioners and Poor Law Guardians should acquire the land permanently and let it out to the labourers year by year. Another reason for advocating this was because it would cost a great deal of money to build cottages. At the present moment they did not leave this matter to supply and demand. They should leave the power to any speculator to acquire a piece of land for the purpose of building; and perhaps the Government would allow one-half as security for the building, or something of that kind. If they did not leave it to the law of supply and demand, they might have houses too good for the labourers—not too good for human beings—but too good to pay 6 or 7 per cent upon them. But if they had freedom in dealing with land, they would have a certain number of buildings. This was a small Amendment, and he did not know that he should vote against it; but certainly he would vote for it if there were no other Amendment.

MR. GRANTHAM observed, that it was perfectly impossible for the hon. and gallant Member for Galway, after the remarks of the Attorney General for Ireland, to vote for the Amendment, because they said that it was depriving the tenant of something which he had already. There was a fallacy underlying both the argument of the Attorney General and the Prime Minister as to the cause of the labourer in reference to this particular clause. The tenant, by the part of the Bill already passed, was not to have the whole of his holding exactly as it was, but subject to the conditions imposed. They were going to Clause 5; and there was a compensation for disturbance, and this would alter the value of the holding. In consequence of the statement of the Prime Minister that this Amendment proposed to rob the tenant of something, those hon. Members who were looking after the interests of the tenants were unable to accept that. The tenant was simply to have certain rights; but until they had settled the whole Bill they could not determine what those rights were to be. Hon. Members would remember that alterations had been made in the law in regard to the value of a tenant's holding, and that they should not have the same value for their holding in consequence of the condition of the land and houses, owing to some breach of public health, where the Artizans' Dwellings Act had been put into operation. A house situate in a district which was not healthy had the landlord or tenant mulcted in a certain amount; and, consequently, here, when the tenant was an occupier of a tenancy—say the holding where there was not sufficient accommodation for the labourers of that holding—it was only right in determining the future value to say that, under such circumstances, the landlord should have the right of assuming to himself to erect labourers' cottages on a certain small portion of that domain. The object of this Bill was to give the tenant something in the future. Therefore, in determining what they should give him, they ought to determine whether the labourer should have something as well. The Government ought to modify the clause in the interest of the labourers, and the two ought to go on side by side, and the tenant would have all that he had a right to, and then they could not be charged with depriving him of something that never belonged to him.

SIR PATRICK O'BRIEN said, that hon. Members opposite had spoken a great deal about the condition of the labourer in Ireland; but, with the exception of his hon. and gallant Friend the Member for Galway (Major Nolan), no one made any proposition to benefit that ill-used person. He did not believe that, under the Act of 1870, the system of tenure in Ireland was very different from what it would be under this Act. Did anyone of common sense in Ireland suppose that any landlord in Ireland would enter into a speculation to borrow money at 5 per cent to build cottages, when they would not produce more than 2½ or 3 per cent? and it was positively illusory to think that if this Amendment were passed any landlord would build cottages. It was not upon a bye Amendment of this character that a large question of this kind was be decided. He did expect that hon. Gentlemen opposite, who, upon every platform, had enunciated their deep interest in the agricultural labourer in Ireland, would not have been, when this question was brought forward, as mute as mice; but would have been prepared to give the Committee the benefit of their well-considered ideas as to how they were to improve the position of the agricultural labourer in Ireland.

MR. HENEAGE said, the hon. Member for West Surrey's Amendment was entirely in the interest of the labourers, and as such he could not vote against it. But he was of opinion that that was the wrong time to bring forward that Amendment. The right hon. Gentleman the Chief Secretary for Ireland had undertaken to bring forward a clause for the labourers. He thought it would be far more profitable if any discussion on the labourers were deferred. He did not think that his hon. Friend would gain anything by putting his Amendment to the test of a division; and, whilst entirely agreeing with him in the view which he had brought forward, he would anxiously appeal to the hon. Member not to diminish his chance of doing that good which might be done hereafter for the labourer by putting that Amendment to a division.

SIR BALDWYN LEIGHTON felt quite sure, after what had fallen from the right hon. Gentleman, that he would favourably consider any clause dealing with labourers, and, if he rejected the present Amendment, that he would bring it forward in some other form on a future occasion. There was this very important principle in the Amendment—namely, that they did not put the labourer into the hands of the farmer to sub-let at an exorbitant rent. The labourer would hold his house and land from the landlord, and not from the farmer, if this Amendment were carried. He hoped the view put forward by the hon. Member would be considered. There should be some provision to prevent the Amendment from being used for the purposes of the speculative builder, and to confine its benefits to the *bonâ fide* labourer. Hitherto there had been no Amendment inserted in the Bill in favour of the labourer, and now that one was proposed he trusted that the Government would favourably consider it.

Sir HERVEY BRUCE said, he hoped the Amendment would be pressed to a division, as the arguments of the Prime Minister and of the Attorney General for Ireland did not hold out any hope that, in any clause they might bring up, the labourer would be helped in the least. The Bill, as it stood, was devised entirely in the interests of one class—the tenant farmers — and for their benefit property was to be taken directly from the landlords and indirectly from the tenant farmers. It had been said that no advantage had been taken of the provisions of the Act of 1870 for the building of labourers' cottages; but he knew that many of such cottages had been built under that Act. The Prime Minister had argued as though the building of labourers' cottages was a profitable concern; but if the right hon. Gentleman had built as many cottages as he (Sir Hervey Bruce) had done, he would find that he did not put much money in his pocket by the process. It would, however, be easy so to alter the Amendment as to prevent the landlord from getting any more than a very moderate interest upon his outlay. He hoped the unfortunate labourers of Ireland would not be put in a worse position than that in which they were already, and God knew they were badly enough off now.

Mr. FITZPATRICK said, he wished to corroborate what had been said about the work done by the landlords for the benefit of the labourers. On an estate he knew the landlord had lately been building five more blocks of labourers' cottages, and the gold medal of the Agricultural Society of Ireland had been given to him for what he had done. He himself had been negotiating for building five more blocks, and the negotiation ended in the building of three cottages on one farm. From his own personal knowledge of what the labourers thought in Queen's County, he could say that they were most desirous that the landlords should resume portions of the lands to build upon, and that the labourer should hold from the landlord and not from the tenant. He hoped his hon. Friend would press his Amendment.

Mr. BRODRICK wished to assure the hon. Member for Cork County (Mr. Shaw) that the sole intention of the Amendment was to provide labourers' cottages on the holding; and if its words did not guard sufficiently against land being resumed from one holding for the purpose of others, he was quite willing to have words inserted to secure that object. He wished to guard himself from the misrepresentations of the Prime Minister, who had treated the matter as though it were solely a question of taking from the tenant to give to the landlord. His (Mr. Brodrick's) desire was solely to enable the landlords to perform a public duty in such a way as would not make the incidence fall too heavily on one party for the benefit of the other. The position which the Prime Minister had taken up was this—that he would not lay a fine upon the tenant at all for any purpose. The right hon. Gentleman would not force the tenant to perform his public duties, but would allow him to rack-rent the labourers to the utmost of his bent. The Government had made many professions of good-will to the labourers, but they came to nothing when put to the test; and he felt he would not be doing justice to the Amendment if he did not ask the Committee to divide on it.

Mr. T. P. O'CONNOR said, he wished to expose the new policy of the Conservative landlords in masquerading as the friends of the labourers. Some of the Conservative Members from Ulster had been masquerading in that way; but he had been asked more than once by friends in Ulster, who were not followers of the hon. Member for Cork (Mr. Parnell), and who had very little sympathy with that hon. Gentleman, to state that many of the Conservative Gentlemen who were now masquerading as the friends of the labourer had distinguished themselves on several occasions by levelling the cottages of a large population of agricultural labourers to the ground. They took no advantage of the provisions of the Act of 1870, enabling them to take land and build cottages, and that showed that the present Amendment was entirely a sham and a delusion.

MR. CALLAN said, he could not approve of the way in which the Amendment had been drawn, because it placed those Members who were interested in the welfare of Irish labourers in a false position. As it stood, the Amendment was most insidious in its nature; and he proposed that it should be amended by striking out all the words after the word "1870." That would test the *bona fides* of those Irish landlords who now came forward to profess an interest in the labourer. Could any Irish landlord in the House say that he himself or any of his relations had ever built labourers' cottages in Ireland? If such a statement could be made it would be far more practical than all these professions of good-will. He was not aware of any such case, and he did not believe that a single Irish landlord had built cottages for the agricultural labourers of his tenants.

Amendment proposed to the said proposed Amendment, to leave out after "1870," in line 5, to the end of the said proposed Amendment.—(*Mr. Callan.*)

SIR JOSEPH M'KENNA said, he would be very happy to support the Amendment if altered in the way proposed by the hon. Member for Louth. But he could assure that hon. Gentleman, who appeared to doubt the fact, that some landlords had built labourers' cottages, and he (Sir Joseph M'Kenna) was among them. He did not think he was an exception to the rule, and though he did not borrow money for the purpose, he thought his conduct had been quite as meritorious as that of those who might do so. Many of these cottages could never be a source of profit to the landlords.

Question put, "That the words proposed to be left out stand part of the said proposed Amendment."

The Committee proceeded to a Division.

Mr. CALLAN was appointed one of the Tellers for the Noes, but no Member appearing to be a second Teller for the Noes, the Chairman declared the Ayes had it.

Question put,

"That the words 'Provided, That if the land thus resumed by the landlord for the benefit of the labourers in respect of cottages, gardens, or allotments do not exceed in the whole one twenty-fifth part of any individual holding, it shall not be deemed a disturbance of the tenant within the meaning of 'The Landlord and Tenant (Ireland) Act, 1870,' and shall not subject the landlord to any claim for purchase of tenant-right, or to any claim for compensation, except in respect of improvements, beyond an abatement of rent proportionate to the annual value of the the land thus taken by the landlord,' be there inserted."—(*Mr. Brodrick.*)

The Committee *divided*:—Ayes 122; Noes 223: Majority 101.—(Div. List, No. 270.)

MR. HEALY moved to insert in page 5, line 20, the words—

"Any such resumption should be subject to the service of such notice to the tenant as the Court should deem reasonable."

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW), without expressing any opinion as to the merits of the Amendment, said, that the present occasion was too early for its proposal. It might be brought forward at a later stage of the Bill.

Amendment, by leave, *withdrawn*.

VISCOUNT FOLKESTONE moved, in page 5, line 21, after the word "that," to insert the words "the Court may on application by the landlord increase." The noble Lord said, his object was that a landlord who spent money in improving his estate might have an opportunity of realizing a reasonable interest on his outlay by increasing the rent of his property, and it seemed only fair that the amount of such increase should be fixed by the Court. As he understood the Bill, as far as it had gone, the intention seemed to be to make the Court, as it were, a sort of agent for all the agricultural properties in Ireland; and, therefore, it seemed to him only consistent with the general scope of the Bill that when a landlord wished to increase his rents in consequence of the outlay of capital on any part of his estate, he should go to the Court to fix the amount of such increase rather than that the matter should be left to a process of arrangement between the landlords and their tenants. His reason for holding this view was that if the matter was left for the landlords and tenants the tenants would be almost certain to refuse permission to the landlords to improve their estates, because such improvements would involve an increase of rent, and the tenants would believe that it would decrease to them the value of the tenant right, in case they should wish to sell that mysterious and unknown quantity, which had never yet in the progress of the Bill been defined in a clear and explicit manner. It might, perhaps, be said that his proposal would curtail the right of freedom of contract between landlords and tenants; but the simple answer to such an objection if made was, that the Court had already had allotted to it everything connected with freedom of contract, and it was only with a view of carrying the matter to its logical conclusion that he moved the Amendment which he had read to the Committee.

Amendment proposed,

In page 5, line 21, after the word "that," to insert the words "the Court may on application by the landlord increase."—(*Viscount Folkestone.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the outlay by landlords could not be made without prior arrangement with their tenants; and he could not, therefore, see why they should not also arrange the sum to be paid in the shape of increased rent.

Mr. GORST said, he failed to see how the tenants could be compelled to pay any increased rent without a direction from the Court.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, if the agreement for an outlay by the landlord was made between him and his tenant, the payment of an increased rent would naturally form part of the arrangement.

Mr. TOTTENHAM asked whether the right hon. and learned Gentleman had considered the question of arterial drainage? Supposing a landlord wished to carry out a system of such drainage, commencing on a farm in his possession, and the tenant on another farm through which the drain would pass objected on account of a possible increase of rent owing to the benefit which would accrue to his holding, was not that a case in which the Court should interfere?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said; the Bill was not intended to apply to arterial drainage, but only to the outlay for alterations and improvements on the holding as agreed upon between the parties.

Viscount FOLKESTONE asked what could be done without the interference of the Court in a case where the landlord made improvements on his estate without the consent and against the will of his tenants?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, no improvements could be made except by arrangement between landlords and tenants; and he saw no reason why, if they could arrange as to the nature and extent of such improvements, they could not also arrange as to the amount of additional rent to be paid.

Mr. MARUM said, the clause was in its essence purely an enabling one; but it was now attempted to give it a compulsory character, and so, in fact, to take away the character of the clause.

Mr. CHARLES RUSSELL pointed out that the clause was only intended to apply to mutual arrangements between landlords and tenants, and could hardly, therefore, relate to matters of arterial drainage.

Mr. NEWDEGATE said, that he had been greatly impressed by a passage in the letters of the late Mr. Senior, published some years ago, in which that eminent political economist and politician remarked upon the persevering opposition to improving landlords in Ireland, and that they were habitually pointed at by the professional agitators and priests as the enemies of the country. The great complaint and difficulty of Ireland, as far as agriculture was concerned, was the want of capital for the improvement of the land; and it was a curious fact that, whenever a proposal was made which would have the effect of introducing to Ireland a sufficient amount of capital at a fair rate of interest, it was opposed by those who claimed to be especially the representatives and patrons of Ireland, and to desire her welfare. He could not think this course was consistent with a real desire for the welfare of Ireland. He knew that some Members of the Government were convinced that many of the evils which afflicted Ireland, both in regard to the Poor Law and the tenure of land, were due to the unfortunate state of feeling promoted by the priesthood of the Church of Rome.

THE CHAIRMAN said, he thought the hon. Gentleman was travelling beyond the Question, which was as to the agreements which should be entered into between landlords and their tenants.

MR. NEWDEGATE said, he should take another opportunity of dealing with the branch of the question with which he was about to deal when called to Order by the Chairman.

MR. BIGGAR said, it was a fallacy to say that the greatest complaint of Ireland was want of capital. The real complaint was that tenants had no security against increase of rent by reason of improvements which they made in their holdings at their own cost.

Question put.

The Committee *divided* :—Ayes 103; Noes 210: Majority 107.—(Div. List, No. 271.)

Amendment proposed, in page 5, line 21, leave out "tenancy," and insert the word "holding."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

MR. GIVAN said, he desired to prevent the landlord charging exorbitant interest, in consequence of any money which he might advance, and, therefore, thought the transaction entered into between the landlord and the tenant should receive the sanction of the Court.

Amendment proposed, in page 5, line 24, at the end of the Clause, add "with the sanction of the Court."—(*Mr. Givan.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he hoped the Amendment would not be pressed.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 5, line 24, at the end of the Clause, add "or in respect of land added to the holding by reclamation or otherwise as may have been agreed upon between the landlord and tenant, or for which he has not previously paid rent."—(*Mr. Chaplin.*)

Question proposed, "That those words be there added."

MR. GLADSTONE: These words are really not required. They might be added, no doubt; but the land referred to would not in any way come under statutory terms.

Amendment by leave, *withdrawn.*

MR. LITTON said, he had been requested by his hon. and learned Friend the Member for Lincoln (Mr. Hinde Palmer) to move the following addition to the Clause:—

> "Wherever the landlord takes proceedings for the recovery of possession of the holding by reason of the breach of any of the statutory conditions, the Court shall have power (under the provisions hereinafter contained for administering equities between landlord and tenant) to order compensation to be made to the landlord by way of damages or otherwise, instead of his recovery of possession of the holding, and upon such terms as the Court may think just."

The object of the Amendment had been indicated by the right hon. Gentleman the Chief Secretary to the Lord Lieutenant when he stated he would, on a future occasion, bring up a clause dealing with this particular matter. If his right hon. Friend had still that intention, his hon. and learned Friend the Member for Lincoln would not desire that this Amendment should be pressed.

Question proposed, "That those words be there added."

MR. W. E. FORSTER said, it was the intention of Her Majesty's Government to bring up words relating to this question on the 13th clause.

MR. GIBSON asked if it was the intention of the Government that all the statutory conditions, including non-payment of rent, were to be dealt with by a clause to come forward thereafter?

MR. W. E. FORSTER said, it was their intention to bring up an Amendment to Clause 13, which, he believed, would meet the wishes of his hon. and learned Friend the Member for Tyrone (Mr. Litton). His hon. and learned Friend would have an opportunity of moving any Amendment he might think fit, in the event of the clause which it was proposed to bring up not being satisfactory to him.

Amendment, by leave, *withdrawn.*

SIR WALTER B. BARTTELOT said, there were many conditions besides statutory conditions which might be entered into between the landlord and the tenant that were of great benefit to both. For instance, certain reservations might be made with regard to plantations, drainage, and other matters; and these, being of benefit to both parties, while, at the same time, they did not come under the statutory conditions, he thought should be made the subject of separate agreement. There was no *arrière pensée* connected with this Amendment, the meaning of which was perfectly plain; and he believed that the Attorney General for Ireland did not absolutely object to the addition of some such words to the clause as he desired to move. The right hon. and learned Gentleman, as he understood, thought that the object of the Amendment was covered already by the Bill as it stood; but, so far as he had been able to ascertain, the general opinion was that it was not so included, and, therefore, as he felt sure the right hon. and learned Gentleman did not wish to exclude any conditions that might be useful both to the landlord and tenant, he begged to move the Amendment standing in his name.

Amendment proposed,

In page 5, at the end, add,—"Provided always, That in any present or future tenancy, where an increase of rent is accepted by the tenant, or in any present tenancy where the tenant applies to the Court to have the rent fixed, the landlord and tenant may either agree that all or any of such conditions of the tenancy then existing as are not inconsistent with the statutory conditions hereinbefore specified, may remain in force; or the landlord and tenant in such case may make a fresh agreement embodying any reasonable conditions not inconsistent with the said statutory conditions, and all or any of such conditions, being other than the statutory conditions, may be enforced by ordinary process of law, but not by eviction; and it shall be lawful for the landlord and tenant to agree that all or any of such conditions may either continue in force until the expiration of fifteen years, or that they may be liable to be varied from time to time by mutual consent of the parties to the contract."—(*Sir Walter B. Barttelot.*)

Question proposed, "That those words be there added."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, Her Majesty's Government did not consider that the statutory term affected the ordinary provisions which were inserted in agreements between landlord and tenant so far as these were not inconsistent with the provisions of the Bill. If the hon. and gallant Baronet would defer the subject to a later stage of the Bill, they might be able to propose words which were more in accordance with the form of the Bill as it stood at present.

MR. SYNAN said, that the Amendment, if adopted, would have the effect of creating a kind of hybrid tenancy—that was to say, a tenancy partly under statutory conditions and partly under voluntary arrangement. The two parts might be consistent or inconsistent with each other; but he thought it would be impossible for the Government to accept such a proposal as that of the hon. and gallant Baronet. He objected to having an Amendment of this character sprung upon the Committee at that time for the purpose of producing a double tenancy. The matter referred to by the Amendment of the hon. and gallant Baronet would be altogether outside the statute; and, in his opinion, it was quite unnecessary to incorporate with the Bill any collateral arrangements that might exist between the landlord and tenant.

MR. GIBSON said, he was quite unable to understand how the hon. Member for Limerick (Mr. Synan) could say that this Amendment had been sprung upon the Committee. He felt sure his hon. and gallant Friend (Sir Walter B. Barttelot) would, after the statement of the Attorney General for Ireland, wait to see in what way the Government proposed to carry out his object. In the event of their proposal not being conformable with his wishes, he would, of course, have another opportunity on Report of moving his Amendment. It was perfectly plain that the landlord and tenant should be allowed to make between themselves any contract that was not inconsistent with the statutory conditions of the Bill.

MR. MARUM pointed out that in dealing with this matter the Committee would, upon the wording of the Bill as it stood, have to take care that the collateral agreement entered into by the landlord and tenant was not only consistent with the statutory conditions, but also with "the other provisions of this Act."

SIR WALTER B. BARTTELOT agreed with the Attorney General in his statement that there should be elasticity in the contracts entered into by landlords and tenants. His object was to allow the landlord to contract with the tenant in such a way as would not be inconsistent with the provisions of the Bill. Under the circumstances, and after the statement of the Attorney General, with the permission of the Committee, he was willing to withdraw his Amendment for the present.

Amendment, by leave, *withdrawn.*

Question proposed, "That the Clause, as amended, stand part of the Bill."

Mr. CHAPLIN said, he was sensible of the concessions which Her Majesty's Government had made during the progress of the Bill; indeed, he was not unsanguine that the right hon. Gentleman the Prime Minister might, before the end of the Bill was reached, be induced to make some other concessions which would obviate the necessity for further opposition. At the same time, he was bound to say that a great deal remained to be done in that direction. He could not allow this clause as amended to stand part of the Bill without recording his protest against the principle which it contained. He had always held that this Biil would undoubtedly effect confiscation. The right hon. Gentleman said "No;" but he was obliged to say that up to the present time he had not succeeded in showing the contrary. His contention was that a portion of the Bill established practically perpetuity of tenure, and that involved confiscation, if not actually of property, at any rate, of the rights of the landlord. It was thus. By Clause 7 the tenant might apply to the Court, from time to time, to fix a judicial rent; that being fixed, the 7th section of the same clause would enact that the tenancy should be deemed a tenancy subject to statutory conditions; Clause 4 provided that the tenant should not be compelled to leave his holding, and the 10th subsection of the 7th clause said that—

> "A further statutory term should not commence until the expiration of a preceding statutory term, and an alteration of judicial rent shall not take place at less intervals than fifteen years."

The fact was the Bill gave to the tenant what he should call "optional perpetuity of tenure." Her Majesty's Government were giving the tenant a perpetual lease with the option of a break at the end of 15 years—an option which was altogether denied to the landlord. He asked what was the distinction between the perpetuity of tenure enacted by the Bill, and the fixity of tenure against which the right hon. Gentleman the Prime Minister inveighed in no unmeasured terms a few years ago—perpetuity of tenure transferring from the landlord to the tenant all rights attaching to his property, excepting the right to receive whatever rent charge the Court might think fit to allow him? The effect of the Bill would be expropriation, and that, undoubtedly, involved confiscation. That definition, however, was not his own. It was a definition given by a much higher authority than himself, and it would, he was sure, be received by the Committee with the greatest respect. The authority to whom he referred said—

> "As I understand it, the scheme itself amounts to this—that each and every occupier, as long as he pays the rent which he is now paying, or else some rent to be fixed by a public tribunal. . . ."

The Chairman: The hon. Gentleman is referring to the 7th clause, and not the 4th clause, under which the question of perpetuity of tenure does not arise.

Mr. CHAPLIN said, that the clause undoubtedly included fixity of tenure, which could be renewed every 15 years. He was quoting an argument of a great authority against perpetuity of tenure.

The Chairman: Will the hon. Gentleman point to the part of the 4th clause which enables the 15 years referred to to be continued from time to time?

Mr. CHAPLIN said, if the Chairman ruled that he could not raise the question in the manner he proposed, he would not pursue it any further at that moment.

The Chairman: I do not think that the question of perpetuity of tenure arises under this clause.

Mr. CHAPLIN said, he was willing not to move his Amendment on the distinct understanding that he should be afforded an opportunity of raising the whole question at another time. Otherwise, he should be compelled to go to a division upon it.

Mr. GIBSON said, that the question could be very properly raised upon an Amendment to Clause 7 which stood in his name.

Mr. CHAPLIN said, under those circumstances he would not move his Amendment.

Question put, and *agreed to.*

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Gladstone.*)

Motion *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

CORONERS (IRELAND) BILL.—[BILL 187.]

(*Mr. Healy, Mr. Gray, Mr. Barry.*)

CONSIDERATION.

Bill, as amended, *considered.*

MR. HEALY moved to substitute the word "act" for the word "acts."

Motion *agreed to.*

MR. HEALY moved to omit line 13.

Motion *agreed to.*

MR. DALY moved to omit Clause 9, which had reference to the Coroner for Cork.

Motion *agreed to.*

Bill read the third time, and *passed.*

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, 28*th June,* 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Court of Bankruptcy (Ireland) (Officers and Clerks) * (133); Coroners (Ireland) * (134); Tramways Orders Confirmation (No. 3) * (135); Incumbents of Benefices Loans Extension * (136).

Second Reading—Wild Birds Protection Act, 1880, Amendment (118); Summary Jurisdiction (Process) (124).

Committee—Veterinary Surgeons * (127-137).

VETERINARY SURGEONS BILL. [H.L.]

(*The Lord Aberdare.*)

(NO. 137.) COMMITTEE.

House in Committee (on Re-commitment) (according to order).

Clauses 1 and 2 *agreed to.*

Clause 3 (Provisions as to register of veterinary surgeons).

THE MARQUESS OF SALISBURY said, he proposed that the period of practice which should qualify a man to exercise the profession of veterinary surgeon without examination should be reduced from five years to three years.

Moved, In page 1, line 28, after ("College") insert ("or unless he has been in practice as a veterinary surgeon for three years at the time of the passing of this Act.")

LORD ABERDARE said, that the object of the Bill was to prevent persons from practising who were utterly unfitted to do so. Many suggestions had been made to him, and some persons thought that five or even ten years' practice should be required.

EARL SPENCER said, he thought five years ought to be retained, though he had no great objection to the proposal of the noble Marquess.

Amendment *agreed to.*

THE EARL OF CAMPERDOWN, in moving the insertion of the following new Clause after Clause 3:—

"The Royal College of Veterinary Surgeons shall be bound to make provision in the manner permitted by their charters for the examination in Scotland of the students attending the several Scotch Veterinary Colleges, and to admit and register such students as have passed the examination as members of the said Royal College under the provisions of such charters and this Act,"

said, that the object of the clause was very simple, being merely to compel the Royal College of Veterinary Surgeons to do by statute that which they now did of themselves in one of their bye-laws. Students were permitted to be examined in Scotland; and if that were discontinued, it would be a great disadvantage to students, and as the Bill proposed to give the monopoly of granting licences to the College, it would only be fair that it should be compelled by statute to hold examinations in Scotland.

New Clause *moved,* to follow Clause 3:

(Provision for examination of students in Scotland.)

"The Royal College of Veterinary Surgeons shall be bound to make provision in the manner permitted by their charters for the examination in Scotland of the students attending the several Scotch Veterinary Colleges, and to admit and register such students as have passed the examination as members of the said Royal College under the provisions of such charters and this Act."—(*The Earl of Camperdown.*)

LORD ABERDARE said, he saw no objection to the Amendment, and would, therefore, accept it.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clauses 4 to 14, inclusive, *agreed to*, with Amendments.

Lord ABERDARE said, he begged to propose a new clause for the purpose of exempting all veterinary surgeons who had been placed on the register from serving on juries and other public offices, in the same manner as dentists were exempted. He contended that as the services of veterinary surgeons were urgently required they should not be obliged to attend as jurors at the Assizes and Quarter Sessions, or be called upon to serve on Local Boards and in other Public Departments.

Moved, after Clause 14, to insert the following Clause:—

"Every person registered under this Act shall be exempt, if he so desires, from serving on all juries and inquests whatsoever, and from serving all corporate, parochial, ward, hundred, and township offices, and from serving in the militia; and the name of any registered person shall not be returned in any list of persons liable to serve in the militia or in any such office as aforesaid."—(*The Lord Aberdare.*)

The LORD CHANCELLOR said, he was sorry to differ in opinion on this subject with his noble Friend; but he hoped this Amendment would not be agreed to. The number of exemptions led now to much inconvenience, as all those who had to attend the Assizes and Quarter Sessions well knew. Besides, a Judge had always the power to excuse any person from serving on the jury if it were shown that his services were required on an important matter. He greatly objected to all veterinary surgeons who were well qualified to serve as jurors being exempted by statute.

Lord DENMAN said, no doubt a Judge or Chairman could abstain from fining or excuse a fine in the case of any veterinary surgeon who had been detained by a case; but he should support the Amendment, on the ground that it was important to have the services of a veterinary surgeon the first moment he was sent for. He had asked if farriers, without calling themselves veterinary surgeons, would be fined? Some people employed cow-leeches for the cure of their horses and cattle. He remembered a case of a practitioner in Notts pronouncing a horse ill of symtanic fever, which he defined to be "mutual sensations;" and on that opinion the Earl of Surrey returned a horse for which he had paid £400. But the opinion was worthless, and a return of the horse to the purchaser and payment of costs ensued. If a veterinary surgeon were at a county town for Assizes or Sessions, he could not save the life of cattle almost choked, or young animals seized with inflammation.

Lord ABERDARE said, that in some counties it was the practice not to summon veterinary surgeons to serve on any jury; but in other counties they were required to serve. It would be only reasonable that the law and practice should be uniform. If dentists were exempted, he thought veterinary surgeons ought also to be exempted.

On question? Their Lordships *divided:*—Contents 32; Not-Contents 51: Majority 19.

CONTENTS.

Devonshire, D.
Richmond, D.

Salisbury, M.

De La Warr, E. [*Teller.*]
Lathom, E.
Morton, E.
Mount Edgcumbe, E.
Wilton, E.

Hardinge, V.
Hawarden, V.
Melville, V.

Aberdare, L. [*Teller.*]
Ashford, L. (*V. Bury.*)
Brodrick, L. (*V. Midleton.*)
Chelmsford, L.
Clanbrassill, L. (*E. Roden.*)
Colchester, L.
Denman, L.
Foxford, L. (*E. Limerick.*)
Hartismere, L. (*L. Henniker.*)
Kenlis, L. (*M. Headfort.*)
Ker, L. (*M. Lothian.*)
Lamington, L.
Penrhyn, L.
Shute, L. (*V. Barrington.*)
Silchester, L. (*E. Longford.*)
Stewart of Garlies, L. (*E. Galloway.*)
Stratheden and Campbell, L.
Strathspey, L. (*E. Seafield.*)
Trevor, L.
Tyrone, L. (*M. Waterford.*)
Waveney, L.

NOT-CONTENTS.

Selborne, L. (*L. Chancellor.*)

Somerset, D.

Airlie, E.
Belmore, E.
Camperdown, E.
Derby, E.
Doncaster, E. (*D. Buccleuch and Queensberry.*)
Kimberley, E.
Leven and Melville, E.
Mar and Kellie, E.
Minto, E.
Morley, E.
Powis, E.
Saint Germans, E.
Spencer, E.
Stanhope, E.
Yarborough, E.

Eversley, V.
Sherbrooke, V.

Abinger, L.
Balinhard, L. (*E. Southesk.*)
Blachford, L.
Boyle, L. (*E. Cork and Orrery.*) [*Teller.*]

Brabourne, L.
Breadalbane, L. (*E. Breadalbane.*)
Carlingford, L.
Carysfort, L. (*E. Carysfort.*)
Cottesloe, L.
Crewe, L.
Digby, L.
Dorchester, L.
Foley, L.
Harlech, L.
Hatherton, L.
Kenmare, L. (*E. Kenmare.*)
Leigh, L.
Loftus, L. (*M. Ely.*)
Monck, L. (*V. Monck.*)
Monson, L. [*Teller.*]
Monteagle of Brandon, L.
Mostyn, L.
Mount Temple, L.
Ramsay, L. (*E. Dalhousie.*)
Ribblesdale, L.
Rosebery, L. (*E. Rosebery.*)
Skene, L. (*E. Fife.*)
Strafford, L. (*V. Enfield.*)
Talbot de Malahide, L.
Winmarleigh, L.
Wolverton, L.
Wrottesley, L.

Resolved in the *negative.*

Remaining Clauses *agreed to*, with Amendments.

The Report of the Amendments to be received on *Tuesday* next; and Bill to be *printed*, as amended. (No. 137.)

WILD BIRDS PROTECTION ACT, 1880, AMENDMENT BILL.—(No. 118.)

(*The Earl of Dalhousie.*)

SECOND READING.

Order of the Day for the Second Reading read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said, that its object was to provide that whenever it was lawful to kill birds it should also be lawful to sell them. At present, wood pigeons and certain other birds might be killed all the year round; but they could only be sold at certain seasons.

Moved, "That the Bill be now read 2ª."—(*The Earl of Dalhousie.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

SUMMARY JURISDICTION (PROCESS) BILL.—(No. 124.)

(*The Earl of Dalhousie.*)

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DALHOUSIE, in moving that the Bill be now read a second time, said, it contained a clause dealing with the Law of Bastardy, and to enable the English and Scotch decrees of bastardy and aliment to be effective in either country.

Moved, "That the Bill be now read 2ª."—(*The Earl of Dalhousie.*)

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House on *Thursday* next.

ARMY ORGANIZATION—TERRITORIAL REGIMENTS—THE BUFFS OR EAST KENT REGIMENT.

QUESTION. OBSERVATIONS.

LORD DORCHESTER, in rising, pursuant to Notice, to ask the Under Secretary of State for War, Whether the proposed change of the title and facings of the 3rd Regiment of Infantry (Buffs) has been approved by Her most Gracious Majesty; and whether that approval is signified under Her Majesty's sign-manual: also, whether any reason other than that it was recommended by the (so-called) "territorial Committee," has been assigned for this alteration of title and the abolition of time-honoured and distinctive facings borne by a distinguished regiment and their ancestors during a period of over two hundred years? said, that he rose to address the House upon a Question of Privilege. There was no class of persons in the Kingdom who valued them and their titles more than did the officers and men of Her Majesty's Army. Those privileges had necessarily, by the recent amalgamation and the introduction of new general measures for the Army, been, in some degree, trenched upon. But he thought there were occasions when needless changes had been made. In advocating the cause which had been placed in his hands on very short notice, he trusted that he should not unduly trespass on their Lordships' patience. When the Army was first constituted in the reign of Queen Elizabeth—for our Army could hardly before that time be called a standing Army—the patriotic spirit which prevailed amongst the men induced the adoption of certain titles and colours for their clothing. The facings of the regiments were derived from the liveries or colours of those raising them. The sober colour ashen or buff, no doubt, was derived from the buff jerkins then worn by sober citizens. The facings and reverses of the uniform often represented the original colours when red was adopted. But a most absurd reason had been given by the Secretary of State for War, or those who advised him, that buff became white; if so, buff should not be allowed if it was a valid objection. But, if so, why were no less than six battalions by the new regulation to receive buff? But buff was, to say the least, as easily kept bright as white or the washy blues and greens of various regiments of their original colours. But the Secretary of State for War might have some knowledge from the past of the varied shades that the funnels of Her Majesty's ships bore, each shade the special vanity of a commander. The right hon. Gentleman had not much experience of the Army, but might have seen Gendarmerie abroad with bright primrose belts and the uniforms of foreign troops. Each regiment took pardonable pride in such trifles, and in their various badges transmitted from generation to generation. He hardly could expect the buff facing would be disallowed by a Member of a Party who for so long hung out the buff and blue as their insignia, and that in a London regiment, where their colours had been as many years hung out. Had the noble Lords opposite done that, it might have surprised us less. No one who had not served could know the advantage old corps derived from such petty insignia, and the proper pride taken in them. Soldiers tried to be smart, and did not like being ticketed as convicts, or as bullocks were marked when taken to market. He should be told, perhaps, the officers and men had no feeling on this subject. That, he fearlessly asserted from his knowledge, and he was ready to afford the evidence if required, was not the case. A very strong and sad feeling existed throughout the old officers, and throughout those at present serving, on the matter. What would have been easier than to consult them? The same clanship did not exist—the pride of tartans, as in Scotch regiments. The Buffs of all the Army, save, perhaps, the Blues, clung most to their colour. The Buffs were 300 years old, and were continued from Morgan's Regiment, by Special Warrant from among the citizens and 'prentice lads of the City of London. The 7th Fusiliers were raised 100 years later by James II., not from among the citizens, but to keep them in subjection by that unconstitutional Monarch. It was true that where territorial and not municipal titles were in favour 100 years ago, the appellation of East Kent was given to the 3rd Buffs; but, at the same time, the 7th were designated East Derbyshire. If any regiment had a claim to a name it was the Buffs. Their very flag was proof of this. Was Mr. Childers prepared to do away with this, or to deny their claim? Was it not their privilege alone of all regiments of the Line to march through the City, drums beating and colours flying? Why was this? And why, without one jot or tittle of reason, were the 7th Fusiliers, who did not seek for it, given the title? In asking the Question on the Paper, he ventured further to ask whether this change met with the approval of Her Majesty; whether the change with others had been signed, as invariably used to be the case, as could be shown on all such occasions in past years, by the Sovereign, whose name in Royal Warrants had been more than once strained, more than the quality of mercy? Civilians in that House might, perhaps, not fully appreciate the altered feelings of a regiment which a change in their facings might cause. He could not comprehend what object would be gained in taking away the buff facings of this regiment. It was a remarkable fact that while the buff facings of this regiment were taken away, they were retained in the case of eight other Infantry and two Cavalry regiments. He appealed forcibly to Her Majesty's Government, he appealed to their Lordships, not to suffer such needless changes to take place, which, although trifles in themselves, created a painful feeling, without the least just cause or reason, to a gallant body of men under a Liberal Government. He was aware of the hard task entailed upon the right hon. Gentleman the Secretary of State for War by his Predecessor. He gave him every credit for the manner in which he had got over great difficulties; he appealed to him not to allow this blot to remain. The Buffs had far more claim to the title of City of London Regiment than any other corps. Their facings were of more ancient date than almost any other corps; they had just right to expect that their claim to both title and their facings should be duly considered. Her Majesty had expressed her desire that all justice should be done, and that all ancient privileges should be respected as far as could be. In the name of that justice, he asked their Lordships to uphold such privileges so long as they were permitted to retain their own titles and armorial bearings. He asked for no new privilege; he asked for nothing that would be a departure from the new system; he asked them to do that which would not enrich others, but which would leave the Buffs poor indeed—rob them of their old name. He appealed to Her Majesty's Government not to deprive an old corps of their title and adornment in favour of a new creation, and he appealed for justice to their Lordships' House.

The Earl of MORLEY said, he would not follow the noble and gallant Lord into this somewhat long argument; but he assured him that the title of Buffs, which was so highly prized with a feeling worthy of the high reputation of the regiment, would still be maintained in the new organization, and that its title would be "The Buffs—East Kent Regiment." That was the name which the regiment had borne for the last 100 years, and under which they had achieved great success and victories in many parts of the world. Therefore, that part of the noble and gallant Lord's speech which related to the title of the regiment came to nothing at all.

Lord DORCHESTER asked whether the regiment was to retain its facings?

The Earl of MORLEY said, that, with regard to the facings of the regiment, it was, no doubt, the intention of the War Office that they should be changed from buff to white. If the noble and gallant Lord would study the Report of the Committee, presided over with great ability by the Adjutant General of the Forces, he would learn the whole of the reasons given by that Committee for the proposed change in the facings. In consequence of the new Organization of the Army, it had become necessary, in many cases, to alter the facings of regiments, and the opportunity was then taken of simplifying the facings of the regiments generally, and of giving to those that were not Royal Regiments, which retained their old facings, in the case of English regiments white, of Scotch yellow, and of Irish green facings. The proposed change would conduce to greater uniformity, and would consequently be attended by a considerable saving of labour and expense in the clothing of the Army. The greatest pains had been taken in carrying those alterations into effect to do as little violence as possible to any associations attaching to regiments; yet it was necessary in some cases, as he had explained, to alter the facings, and among them this change from buff to white had been made. There were some regiments which had suffered even more violent changes in their facings than this particular regiment had done. He felt sure, however, that this change would in no way effect the *esprit de corps* of the different regiments.

The Duke of RICHMOND and GORDON said, he did not think the answer of the noble Earl altogether satisfactory. He had stated before that the principal motive for the alteration adopted was economy, and if that was so, it would be interesting to learn what amount of saving was effected in the Army by the alteration in the facings under the new system. He thought it was most unfortunate that, by the arrangements which were now to be carried out, the only regiment which was known to all military men by the colour of its facings should have been one of the regiments selected for the alteration of the facings. It should be remembered the facings of a regiment were mixed up with the great actions they had performed, and were really part of their distinctions. The regiment in question was now to be known as the "Buff Regiment" instead of by its old name of "The Buffs." He could only express his regret that it had been found necessary to make these alterations.

The Duke of CAMBRIDGE said, that when a general alteration in the organization of the Army was made, it was found that a great many changes were necessary. He was not going to discuss the question that night, because there appeared to be so much feeling upon it that he thought it better to put it all on one side. He agreed, however, that it was right that a fixed principle should be adopted, and that one colour should be adopted for English, one for Scotch, and one for Irish regiments, with one exception — namely, the Royal Regiments, which were to be dark blue. He thought that was a proper distinction to be made in the case of Royal Regiments, and they did not make it in any others; as a fact it would not make much difference. There was no wish to put one regiment before another, and certainly no wish to make changes distasteful to the regiments themselves; but when such changes were necessary they must make some difference, and the explanation was that they desired to organize the Army on one fixed principle. No doubt there was much to be said against any change in this particular case; but if they were to yield to the feelings of this regiment, they would have found it difficult to resist other demands of a similar character. He did not, however, think that the alterations in the facings had been made with the view of saving expense. He should be sorry, at the same time, to do anything to offend the *esprit de corps* for which the various regiments were distinguished.

After a few words from Lord STRATHNAIRN,

LORD CHELMSFORD said, that he had heard with satisfaction that the regiment in question was to retain the name of "Buffs;" but he wanted to know whether, under the new system, they would, when on parade, still be allowed to call themselves "The Buffs," and not be obliged to use their county designation?

THE EARL OF LONGFORD said, he thought the whole scheme must have emanated from Bedlam. The territorial arrangement of regiments was entirely out of harmony with the circumstances of the military system of this country. The recruiting for the Army was not territorial; large districts supply no recruits at all. The scheme required to be very nicely adjusted to work at all, and was liable to be deranged by a sudden demand for extra forces for any emergency.

LORD ABINGER expressed a hope that the Government would even yet reconsider their decision.

LORD WAVENEY urged the importance of the Militia regiments retaining their distinctive facings and colours.

THE EARL OF MORLEY said, that the Militia regiments would come under the general rule. In reply to the question of the noble and gallant Lord (Lord Chelmsford), he might say that there was no intention to alter the title of the regiment, which would remain as before —The Buffs, East Kent Regiment.

LORD CHELMSFORD said, the reply of the noble Earl did not answer his question, which was as to the title which the regiment was to be allowed to use when on parade.

THE EARL OF MORLEY said, that was a purely military question which he could not answer.

THE DUKE OF BUCCLEUCH said, the last reply of the noble Earl showed the danger of intrusting the management of the Army to civilians. This miserable disorganization scheme had caused great dissatisfaction—with very few exceptions—in every rank of the Army. He believed it was only adopted for the gratification of a very few persons. He strongly objected to the Edinburgh regiments being sent to the City of York.

THE EARL OF KIMBERLEY wished to ask whether he was or was not in error in supposing that the noble Duke was a Member of the Committee appointed in 1876 which recommended the adoption of the system of territorial regiments?

THE DUKE OF BUCCLEUCH, said he was a Member of the Committee, and found himself obliged, as many other persons had before and since, to acquiesce in many things of which he did not approve. One soon found out whether he was in a minority, and whether there was any use of fighting against the others. From what he had seen since, his opinion was that the territorial system might be a very fine one in theory, but would be an ultimate failure in practice.

ARMY ORGANIZATION—THE REVISED MEMORANDUM — GENERAL OFFICERS—THE FIVE YEARS' RULE.

QUESTION. OBSERVATIONS.

VISCOUNT BURY, in rising to call attention to paragraph 48 of the revised Memorandum on Army Organization, so far as it relates to what is known as the "five years non-employment rule," as applied to general officers; and to ask, Whether the Secretary of State for War will give orders to omit from the warrant which comes into force on the 1st of July 1881, the words "general officers after five years subsequent promotion to major-general," in order to afford time for the said words to be further considered? said, that he was sorry to trouble their Lordships with another military matter; but he would do it very briefly. He should not have done it at all had it not been that the Warrant would come in force for the re-organization of the Army on the 1st of July, and he hoped he should convince his noble Friend that it would bear very hard upon young general officers in the Army, and that he should not be too late to induce him to promise on the part of the Government that some modification should be made in the Warrant before it was issued. He was not going to argue the question on the basis of injury to the junior general officers alone; but it was a very great grievance generally, and a number of general officers felt that it fatally concerned their military prospects and the professional future of their relatives entering the Army. This was not wholly a pecuniary question. He freely confessed that the retiring pensions which were about to be established by the new Warrant were very fair and liberal in their character, and if this was a pecuniary question alone he did not know that he should have troubled their Lordships at the last moment. But it was not a pecuniary question, but a grievance affecting the professional status of distinguished officers, and, if they liked to call it so, a sentimental grievance, which could not be measured by an actuary and compensated for by pounds, shillings, and pence. General officers under the new Regulations were to be compulsorily retired either at 62 or 57, according to whether they were major generals, lieutenant generals, or generals. He did not object to that, because he knew how necessary it was to provide for a rapid flow of promotion, and it was necessary that officers of 60 or 65 should be removed from the active service list. He did not complain of that, nor did the officers who were affected by it; but Clause 48 provided that in addition to the compulsory retirement from age, the non-employment of officers for five years should also involve compulsory retirement at earlier ages, and that was very repugnant to the feelings of the general officers to whom he had alluded. The rule was laid down that if there was a continuance of non-employment for five years from their attaining the rank of major general they must retire; and their Lordships would see that in such a case it must lead to the country being deprived of the services of young, efficient, and trustworthy officers at a very early age, and, indeed, there would be many cases of retirement at a comparatively early age. Where an officer, by his talents and bravery, had greatly distinguished himself, and consequently advanced rapidly in his profession, he would become a major general before he was 50, so that such an officer would be retired at an early age—by reason of non-employment for five years subsequently—solely in consequence of his distinguished services. However desirable it might be to retain the services of distinguished officers as long as possible, he did not think that his noble Friend would say that that was insured under the new system. If the Under Secretary of State for War could assure him that in future, in consequence of the reduction of the number of general officers, those who should be retained on the active list would be certain to obtain employment, his objections must fall to the ground. But he did not think his noble Friend would give him any such assurance, as there were not more than 50 or 60 posts which general officers could fill. It was all very well to say that they would have better pensions, but, as he had said, it was not a question of price; but looking at it financially they must remember that when an officer became a major general he sacrificed £4,500 regulation money, and he did it to obtain a fair chance, which he did under the old system, of getting access to the higher ranks of the Army and their increased emoluments, and of obtaining higher employments—higher distinction, together with the honours and rewards paid for distinguished services. In addition to the sacrifice of £4,500 regulation money, they also sacrificed a large sum of over-regulation money, about which he should say nothing; and then, being compulsorily retired after five years' non-employment, they found that they had not fulfilled the promise of their youth, it was no consolation for them to be told that the retired pension was larger than it was before. There were two classes of officers, one composed of those who having passed through with distinction the lower ranks, and even the higher regimental ranks, having become generals, felt that they had done with military service, and married and had children, or, perhaps, succeeded to their patrimony and had nothing to complain of; and there was another class who, being independent from their youth upward, entered the Army as a career, and looked forward to obtaining the highest employments and honours, and to distinguish themselves in the field in the highest ranks of the Army. On that class these regulations would fall very heavily. He did not wish to cite any instances; but he had received a letter from an old brother officer of his own, who, having become major general nearly six years ago, complained that he would have compulsorily to retire in 1882 unless he could obtain some employment, and this general officer, being only 55 years of age, felt that he was as good a soldier as ever he was, and he found that he had sacrificed his £4,500 regulation money for a moderate pension and the reversion to a colonelcy of a regiment, which would be worth, perhaps, £1,000 a-year. He hoped his noble Friend would be able to say that this non-employment clause would be modified, so that young men possessing health and strength and energy would be induced to adopt a military career. He did not know that it was right to refer to individuals; but he might point out that if his noble and gallant Friend behind him (Lord Chelmsford) continued unemployed for three years longer, he would be compelled compulsorily to retire—of course, he would be employed—but he asked whether it was advantageous to the country that they should lose the valuable services of so young a general? A man who retired at the age of from 62 to 67 had nothing to complain of; but an officer who was compelled to retire at 58 was in a very different position, and if the War Office could find no chance to employ him, he had no option but compulsory retirement. That brought him to what was the alternative. There was another clause of the Warrant (74), which had reference to lieutenant generals and major generals being allowed an option under the rules, which required some explanation. The new rules would be better in some respects, because the pensions would be higher; but what would be the use of telling a man that he might remain with a smaller pension and the chance of obtaining a colonelcy if, at the same time, they said he must be employed within five years? The old system permitted generals to remain on the list, no matter how many there were of them. But under the new rules the field of selection would be considerably narrowed, though the cost to the country would be much more. He now came to what he thought ought to be done. He would suggest that the words in the Warrant, "general officers after five years subsequent to promotion to major general," be omitted, or at least that they should not be in the Warrant for some time, so that the authorities might have further opportunities of re-considering the matter. If it should be thought that his suggestion came too late, he would submit this alternative—that, instead of five years, the Warrant should say 10 years, or at least seven years, and that would give the Government time to see how the new rules were likely to work in regard to the 63, or thereabouts, employments which could be held by general officers. He would prefer that the term should be 10 years, as that would be ample time to absorb all those who could hope for employment, and the younger officers would be benefited by this change. If this suggestion should be thought not to be a good solution, he would exempt those who chose to remain under the old scale of pension and allow them to go on in the old way as under Clause 74, until they came to the time for compulsory retirement. Many generals had applied over and over again to the Government and could not obtain employment. The Government could not find it for them within the limit of five years. He should like an explanation of the term "employment." A Staff appointment for two years, or in the discretion of the Secretary for State for a shorter period, constituted "employment." But he wished to know whether an appointment to watch manœuvres in some foreign country on behalf of the Government would be considered as being continuously employed, so that the time should count in his two years? He would also be glad if his noble Friend would explain what was the meaning of the words in reference to the five years and seven years as connected with employment as colonel, and then promotion to major general rank. Would such a man be retired at the end of five or seven years? If his noble Friend could give some assurance that there would be a reasonable probability that all these officers would be employed within the limits of five years before they would be compulsorily retired, he should be satisfied. But he feared his noble Friend could not do that, as there was not a sufficient number of employments. That being so, he sincerely trusted that his noble Friend would not hastily reject the suggestions which he had offered—on the contrary, that he would adopt one of them, and thus remove the grievance which weighed so heavily upon these officers.

THE EARL OF POWIS said, he would like to ask the Government whether it was desirable that they should deprive themselves of the power of selecting men for service who were still in the vigour of age? The most disadvantageous results would have followed in times past if such rules had then prevailed as were now to be made. In that case, the services, for instance, of Lord Hill and of Lord Hardinge would to a large extent have been lost to the country. Neither of them could have filled the office of Commander-in-Chief. Would not this, in each case, have been a great national loss? Besides, it would be a great misfortune if officers of a certain age should not be able to be in the House of Commons. This was not a question of expense to the country. If non-employment was to be a reason for paying higher pensions, then he thought that the suggestion of putting 10 years instead of five years in the Warrant as the limit would be much more reasonable—at all events, it would be a much safer thing to do, and it would be easy to make a further alteration after experience had been gained by the Government.

LORD WAVENEY said, that the apprehensions of the noble Earl (the Earl of Powis) that the House of Commons would be deprived of the services of those who were officers in the Army had already been realized, for it was in consequence of the proposed Memorandum that Parliament had lost the services of the late Member for Sunderland (Sir Henry Havelock-Allan). He had to resign his seat in order that he might accept employment. He (Lord Waveney) would suggest that the Secretary of State for War should reserve to himself the power of exempting certain officers from the operation of the new rules.

THE EARL OF MORLEY said, he fully understood the object of his noble Friend in bringing this matter forward; but he could not assent to his noble Friend's proposal. He thought he should be able to show to their Lordships sufficient reasons why the suggestions put forward could not be accepted, which, perhaps, his noble Friend would admit, even if he did not think that the Government were justified in the course which they had taken. He would answer first the questions which his noble Friend put at the end of his speech as to employment. He wished to point out that it was a Memorandum that was on the Table of their Lordship's House, and not a Warrant. It showed the principles on which the Warrant would be based; but it was not so precise in language as the Warrant would be. He believed the Warrant was now in the printer's hands, and he hoped that by Thursday next it would be issued to to the public.

VISCOUNT BURY asked when the Warrant would come into operation?

THE EARL OF MORLEY said, the Warrant would come into force on the 1st of July. As to employment, he might state that the time occupied in attending any foreign manœuvres would not count as field service. It was not likely that the Government could make any exception in the rules of that kind. The question of his noble Friend as to the number of employments for general officers must be answered thus—that the number varied from time to time; but he thought he would not be far wrong in saying about 64 or 65. The next question was as to the term of seven years of combined service as colonel and general. He would answer this question by giving an illustration of the working of this rule. Assume an officer retired from employment as colonel at the age of 47 years, and did not get his promotion until he was 50 years; he would then be retired after four years' non-employment as a general officer, or seven years of non-employment in the two ranks of colonel and general combined. His noble Friend admitted that the rates of pay on retirement were fixed upon a liberal scale; but he would not discuss that matter further. He would confine himself to the point of the retirement of general officers. The greater part of his noble Friend's speech was based upon an assumption, which could not be justified, that the young general officers would, as a rule, be retired. But those would be the very officers who would obtain employment; for the fact of the reaching the rank of general at an early age was at any rate a presumption that they had shown ability, or had distinguished themselves in the field. No doubt, there were instances where officers would be compulsorily retired; but the great point which they had to consider was the efficiency of the Service generally. He spoke most positively when he said that these rules had been framed on that ground, and not based on motives of economy at all; for it was clearly cheaper to keep an officer on the active list than to retire him on a pension of £200 a-year more than his general's pay. When his noble Friend referred to the case of younger general officers, in whom he seemed to take so much interest, he must consider what effect his suggestions would have upon the list of colonels, because it was of the greatest possible importance that all officers below the rank of general should have their fair chance of promotion. There were about 400 generals upon the active list, and only a little over 60 employments for them. Now, after the retirements had taken effect under the Warrant, there would remain about 56 or 57 generals supernumerary to the new establishment. Until these were absorbed there could be few chances for colonels to move up, every other vacancy only giving promotion to a colonel. The Government were bound, in dealing with the higher ranks, to consider the question of the colonels. He would not say that five years' non-employment made a general unfitted for employment; but there was a certain presumption that after five years of non-employment an officer was less likely to be fit for, or less likely to desire, employment than one who had been recently employed, and if there was a smaller list there would be, of course, the greater chance of employment. His noble Friend had made some suggestions as to the omission from the Warrant of all mention of five years' non-employment at present. For the reasons he (the Earl of Morley) had given, and especially on account of the disastrous effect it would have on the colonels, and because it would seriously interfere with the whole scheme of promotion which would come into force on the 1st of July, it would be impossible to accede to that suggestion. Then his noble Friend suggested an extension of the five years to ten, or, at least, to seven. He could assure their Lordships that the question as between seven and five years had been most carefully considered both by the military authorities and by his right hon. Friend (Mr. Childers); and he thought the illustrious Duke would confirm him in what he said when he stated that it was generally admitted that the advantage which would be given by an extra two years would not counterbalance the disadvantage which would arise in other directions. It had been said that the period in the Navy was 10 years; but when the time was fixed in the first instance for flag officers it was done experimentally; and, moreover, it was not merely service, as in the Army, but sea service, which was much less liberally interpreted than military service. The distinction between ordinary service and sea service made the whole difference, and vitiated the comparison which had been made between the cases of the Army and the Navy on that point. His noble Friend had suggested another alternative — namely, that all general officers who elected to remain under the existing terms should be exempted from the non-employment clause until their compulsory retirement by age. He ventured, however, to think that that would exactly exclude the class of officers whom the noble Lord was most anxious to save to the Army, because the officers who would be most likely to remain under the existing terms would be those high on the list of generals, who had the best chances of obtaining regiments. Therefore, they would save by that means the older and not the younger officers. The suggestion would not be feasible; neither would it have the effect of saving those efficient young officers who, in common with his noble Friend, he should be sorry to see compulsorily retired from the Service. His noble Friend had asked him for an assurance that under that scheme no officer who was fit for employment or who desired it should be compulsorily retired. It would be quite impossible for him to give such an assurance as that. If he did so, he should be practically stating a proposition which many officers would at once challenge —namely, that all those who were compulsorily retired on the 1st of July were unfit for employment, or that they did not desire employment. He should be sorry to say that any general officer was unfit for employment, and he had no means of knowing what their desires as to employment were. Those officers who saw that they had no chance of employment would take the higher rate of pension granted by the Warrant as being of greater advantage to them, and thus the number would be diminished. Those who remained would have greatly improved chances of employment if they were efficient officers; at any rate, there would be a greater chance than now, when there were about 400 on the active list. He did not think he should be justified in detaining their Lordships any longer. The scheme had received the most careful and anxious consideration of the Government, in the great hope that it would tend to the efficiency of the Service generally.

THE EARL OF LONGFORD said, it was clear that the five years' non-employment rule had come with surprise upon the Service. The five years should be extended, at least experimentally, and some other and less objectionable means should be adopted for providing for the proper flow of promotion which was promised when purchase was abolished in the Army.

LORD CHELMSFORD said, with reference to a remark of the noble Lord the Under Secretary of State for War, that sea service had nothing to do with the retirement of flag officers. It had to do with maximum pension; but, according to the system adopted in the Navy, a flag officer was not compulsorily retired until 10 years after hauling down his flag—that was to say, "continuous non-employment." Then, and then only, would a flag officer be retired on his pension. Therefore, by taking away their good-service pension, and by fixing on five years' non-employment, instead of 10 years, as the condition of compulsory retirement, officers of the Army would be placed at a great disadvantage as compared with those of the Navy under the present scheme. He contended that the Memorandum was an infringement of the promise made to officers upon the abolition of purchase, and it would be a great hardship on those who had sunk the sum of £4,500 to gain a general officer's position. They did not object to retire for age, but they did for non-employment, and this Warrant was a breach of the promise made by the Government to those officers who were eligible for employment. He hoped that some other arrangement would be made, as the speech of the noble Earl (the Earl of Morley) would be read with dismay by all those who would be affected by that harsh rule of five years' non-employment, and consequent compulsory retirement.

INCUMBENTS OF BENEFICES LOANS EXTENSION BILL [H.L.]

A Bill to extend for a period not exceeding three years the term fixed for the repayment of loans granted by the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy to incumbents of benefices—Was *presented* by The Lord Archbishop of CANTERBURY; read 1ª. (No. 136.)

House adjourned at a quarter before
Eight o'clock, to Thursday
next, a quarter before
Five o'clock.

HOUSE OF COMMONS,

Tuesday, 28*th June*, 1881.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Roads Provisional Order (Edinburgh) * [185].
Select Committee — *Report* — Erne Lough and River * [171-200].
Committee—Land Law (Ireland) [135]—R.P.
Third Reading—Tramways Orders Confirmation (No. 3) * [169], and *passed*.

The House met at Two of the clock.

QUESTIONS.

PUBLIC HEALTH—VACCINATION—DEATH AT PLYMOUTH.

MR. P. A. TAYLOR asked the President of the Local Government Board, Whether his attention has been called to the following paragraph which appeared in the "Times" of June 18th:—

> "An inquest was held at Plymouth yesterday on the body of a child four months old named Florence Maud Woodley. She was recently vaccinated. On Thursday the arm became inflamed, and the child died yesterday. Independent medical testimony was to the effect that

the child had been strong from birth and had died from exhaustion indirectly due to vaccination. The jury returned a verdict to the same effect;"

and, if he will cause inquiry to be made into the facts of the case?

MR. DODSON: Sir, my attention has been called to the case, and I have made some inquiry with respect to it. I find that an inquest was held on the child, who, according to the mother's testimony, had not been nursed from its birth, but simply had milk and water and a little sugar. But, so far from the jury having returned a verdict to the effect suggested, it appears by the inquisition that the child died from natural causes; and the medical man who was called in when the child was dying, and who gave evidence at the inquest, has stated in a public letter that vaccination had nothing whatever to do with its death.

THE COMMERCIAL TREATY WITH ITALY.

MR. J. COWEN asked the Under Secretary of State for Foreign Affairs, If any steps had been taken to renew the Commercial Treaty with Italy?

SIR CHARLES W. DILKE: Sir, the Commercial Treaty with Italy remains in force till the 31st of December. A Bill is before the Italian Legislature to prolong the duration of the Treaty, and will probably prolong its duration up to March or June next. Negotiations were last year begun by us with a view to the conclusion of new Commercial Treaties with the countries that produce strong wines—especially Spain, Italy, and Portugal. The change of Government in Spain caused these negotiations to be temporarily set aside; but there is every prospect that they may be soon resumed. Under certain eventualities the simultaneous conclusion of Commercial Treaties with these countries might be of considerable importance to British trade.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—MR. HODNETT, A PRISONER UNDER THE ACT.

MR. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he could state to the House on what authority he informed the House on the 17th instant that Mr. Hodnett, one of the gentlemen confined in Limerick Gaol, sent for the Governor, admitted he had done wrong, and promised not to offend again; whether he is aware that Mr. Hodnett denies the whole story as told to the House; whether it is true that Mr. Hodnett's demand for a sworn information into the subject of his complaints has been refused by the Prisons Board; and, whether he will direct that no further Coercion suspects be sent to Limerick Gaol?

MR. W. E. FORSTER said, that his authority for the statement made by him in the House on the 17th instant was the report of the Governor of the Prison which was transmitted to him by the Prisons Board. Since then he had been informed that Mr. Hodnett denied the accuracy of the statement. It was true that Mr. Hodnett's demand for a sworn inquiry into the subject of his complaints had been refused by the Prisons Board, who did not consider such was called for, as the entire subject had been already inquired into by the Board's Inspectors. As to the request the hon. Member made at the end of his Question, he (Mr. W. E. Forster) could give no such undertaking.

MR. HEALY asked, was it true that Mr. Hodnett had been transferred from Limerick to Dundalk Gaol, which prison was the farthest in Ireland from the family of Mr. Hodnett; and whether Mr. Hodnett's son was not imprisoned at Limerick as a suspect?

MR. W. E. FORSTER said, it was a fact that Mr. Hodnett was transferred to Dundalk, and he had heard that Mr. Hodnett was glad of the change.

MR. HEALY asked, would the Government, for the sake of mitigating to Mr. Hodnett the horrors of prison life, allow that gentleman's son, who was a prisoner, to be in the same gaol with his father?

MR. W. E. FORSTER said, he must leave that to the discretion of the authorities immediately concerned. He could not undertake to say to what prison a particular prisoner should be sent.

BOARD OF THE LUNATIC ASYLUM, LIMERICK.

MR. O'SHAUGHNESSY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can hold out hope that His Excellency the Lord Lieutenant will permit the Limerick Town Council to submit three names of members of the Town Council to be made members of the Board of the Lunatic Asylum, in order to represent the Town Council thereon; and, whether a similar course has not been pursued with regard to the city of Cork?

Mr. W. E. FORSTER, in reply, said, the Corporation had made this request; but the city was already sufficiently represented on the Board. The population of the city was 38,700, and of the county, 138,000; the valuation of the county, £465,000, and of the city, £66,000. The Board consists of 26 Members, of which 10 might be taken as representing the interest of the county and eight of the city, while eight might be taken as representing both city and county. It appeared, therefore, that the city had a fair share of representation. As to Cork the facts were different there, and the Corporation had not the same share of representation on the Asylum Board.

Mr. O'SHAUGHNESSY asked whether, as vacancies arose, the Corporation would be allowed to submit the names of gentlemen to fill the vacant places on the Board?

Mr. W. E. FORSTER would be glad to have the names of suitable persons submitted; but he could not without further consideration increase the members of the Board.

COMMERCIAL RELATIONS WITH FRANCE—THE NEW FRENCH TARIFF.

Viscount SANDON asked the President of the Board of Trade, Whether, in view of the increasing anxiety on the part of a large body of manufacturers, artizans, and mechanics in all parts of the Country respecting our future commercial relations with France, and their desire for accurate information respecting the new French Tariff, by which their interests are largely affected, he will reconsider his refusal, addressed to the honourable Member for Sheffield, to grant an English translation of the Return presented to the House on May 26th, which gives in French terms only the many and various articles of British produce and manufacture respecting which changes of duty are proposed to be made under the new French Tariff? He wished to add that when he had obtained the Return he had assumed that it would be furnished in English, and not in French.

Mr. CHAMBERLAIN: Sir, the noble Lord has apparently been misled by some inaccurate report of the reply which I gave some time ago to the hon. Member for Sheffield (Mr. Stuart Wortley). I did not meet his request for a translation with an absolute refusal; but I pointed out to him difficulties in the way of complying with it. There are, in the first place, the difficulties of translating what is a technical document; and, in the second place, the fact, as I am informed, that the manufacturers, artizans, and mechanics referred to in the Question of the nôble Lord, are already thoroughly acquainted with the French terms used in their own trades, and do not therefore require any translation. Under these circumstances, I suggested that the Return would involve an unnecessary expenditure of public money, and that I hoped he would not press for the translation. In answer to the renewed request of the noble Lord I have to add to what I have already said, in the first place, that the general Tariff referred to has not been a basis of negotiations with the French Government; but that these negotiations have been founded on a *tariff à discuter*, which is a confidential document which at present we are not able to produce. In the second place, I have to point out that I have not received a single application for a translation from any Chamber of Commerce, or from any other representative commercial body; but if the noble Lord in the face of these facts still thinks it desirable to have the translation, I will communicate with the Chambers of Commerce, and ask whether they think that the usefulness of such a document would justify the expense of the translation.

Viscount SANDON gave Notice that, in the interests of the large industrial population he represented, he should feel obliged to press the right hon. Gentleman on the subject, without reference to the views of any Chamber of Commerce.

Mr. CHAMBERLAIN said, he would communicate with the Chambers of Commerce at once, and would inform the noble Lord of their opinions on the subject.

Viscount SANDON said, that he should not be satisfied with the opinions of Chambers of Commerce only.

Mr. CHAMBERLAIN said, that would be a matter for discussion when the Motion was brought forward.

INQUESTS (IRELAND)—CASE OF MR. T. COOKE.

Mr. W. J. CORBET asked Mr. Attorney General for Ireland, If his attention has been called to an inquest held on the body of Mr. Thomas Cooke, who died of apoplexy at Baltinglass, county Wicklow, on the 9th instant, as reported in the "Leinster Leader" of Saturday last, from which it appears that for several hours after the apoplectic seizure Mr. Cooke was not attended by a duly qualified medical man; that Dr. McDowell, the dispensing doctor at Baltinglass, who attended the case, when asked by a highly respectable juror if he was at home when sent for replied that "he would not answer impertinent questions;" that the Coroner, Mr. Philip Newton, when asked by another juror, had he received a medical certificate as to the cause of death, replied, "That was an impertinent question;" that during the progress of the inquest, which appears to have lasted from Twelve o'clock noon till after Four o'clock next morning, the Coroner refused for several hours to send for the doctor though pressed by the jury to call him as a witness; that he refused to receive the following verdict:—

> "That the deceased died on the morning of the 9th instant from an attack of apoplexy; that we consider the reply of Dr. McDowell in refusing to say whether he was at home or not when he was called on to attend deceased most unsatisfactory;"

it further appears from the Report that the Coroner caused the jury to be locked up in the court-house until they brought in a verdict, drawn up by him at 4.45 a.m.; whether the Doctor McDowell in question has charge of the dispensaries at Baltinglass, Ballytore, and Stratford-on-Slaney, as well as of the Poor-house at Baltinglass; and, whether the proceedings at the inquest were legal; and, if they were not, whether he will take steps to prevent a recurrence of similar proceedings on the part of public officials?

The ATTORNEY GENERAL for IRELAND (Mr. Law), in reply, said, that his attention had been drawn to the subject, and he found on inquiry that the facts were substantially as stated in the Question, except that the inquest did not last until 4 o'clock in the morning, but only until half-past 1. In looking through the accounts of the incidents that occurred, he did not find that there was any actual illegality in the proceedings. He found that Dr. McDowell filled the offices mentioned

TUNIS—THE ENFIDA CASE.

The Earl of BECTIVE asked the Under Secretary of State for Foreign Affairs, Whether it has been reported to Her Majesty's Government that, in consequence of the pressure brought to bear upon him by M. Roustan, the Sheik-el-Islam, who originally put Mr. Levy in possession of the Enfida Estate, has declined to proceed any further in the matter, and has delegated the decision of the case to another Caid; and, if so, whether Her Majesty's Government are prepared to take any steps for the protection of the British interests involved?

Sir CHARLES W. DILKE: Sir, Her Majesty's Government have been informed that two edicts have been issued by the Bey of Tunis, the one prohibiting the Sheikh-el-Islam and Haafy Tribunal from adjudicating upon the Enfida case, and the other directing the Military Court to try and pronounce judgment upon the case. The matter has been referred for the opinion of the Law Officers of the Crown.

Lord RANDOLPH CHURCHILL: By whom were the edicts issued?

Sir CHARLES W. DILKE: By the Bey of Tunis.

Lord RANDOLPH CHURCHILL: Were they issued by direction of M. Roustan?

Sir CHARLES W. DILKE: No; my information says by the Bey of Tunis simply.

The Earl of BECTIVE said, that the hon. Baronet had not given a direct answer to the question whether Her Majesty's Government were prepared to take any steps for the protection of British interests?

Sir CHARLES W. DILKE said, he had stated that the subject had been referred to the Law Officers of the Crown, and until they had delivered their opinion Her Majesty's Government could not take any further steps in the matter.

ARMY ORGANIZATION—LIEUTENANT ADJUTANTS.

Mr. DALY asked the Secretary of State for War, Will Lieutenants in Infantry Regiments who are now and for some time past have been acting as Adjutants, continue under the new scheme of Army Organisation to hold the appointments until they get their companies?

Mr. CHILDERS: Yes, Sir, they will. If the hon. Member will take the trouble to look at paragraph 43 of the Revised Memorandum, he will find the information he wants.

THE PROPOSED INDIAN LOAN.

Mr. J. K. CROSS asked the Secretary of State for India, Whether, in order to obtain the highest subscription price for the proposed Indian Loan of three crores of Rupees, such arrangements can be made as will enable intending applicants to tender in England in sterling as well as in India in rupees?

The Marquess of HARTINGTON: Sir, in all Acts of Parliament which have been granted since 1858 to enable the Secretary of State in Council to raise money in the United Kingdom on the credit of the Revenus of India, the whole amount to be charged on the Revenues of India has been limited. The point involved in the question is whether the Secretary of State, acting as the Agent of the Governor General in Council, can, without the previous concurrence of Parliament, receive money in London for an Indian Rupee Loan. In 1858 a Bill was introduced into Parliament, containing a clause empowering the East India Company to receive subscriptions in the United Kingdom for loans opened by the Governor General in Council, the precise object suggested in the Question; but, after considerable discussion, the clause was withdrawn. In 1859 the then Secretary of State (Lord Stanley) was asked whether it were necessary for him to apply to Parliament every time he required a loan of money; and he replied that the Secretary of State might raise what money he required, without the sanction of Parliament, but only by a circuitous process. The Government of India might, by its Agents here, raise the money; but he added that such a course, although within the letter of the law, would be contrary to its spirit. I do not think that under these circumstances it would be desirable to make such arrangements as are suggested in the Question.

PALACE OF WESTMINSTER—LIGHTING OF THIS HOUSE.

Mr. O'SHEA asked the First Commissioner of Works his intentions with regard to the electric light in this House?

Mr. SHAW LEFEVRE said, he gathered from the general opinion of Members that they were not satisfied with the electric lighting of the House. The experiment, however, it was only right to say, had been tried under considerable disadvantage. The manager of the Company told him that many improvements could still be effected, especially with reference to the position of the lamps, which could not be made so long as it was necessary to maintain the existing gas lights. Under these circumstances, further experiments would be postponed until the Recess.

ARMY ORGANIZATION—MACLEOD'S HIGHLANDERS.

Colonel ALEXANDER asked the Secretary of State for War, Why the headquarters of 71st Highland Light Infantry, embodied in April 1778 at Elgin under the denomination of "Macleod's Highlanders," are to be transferred from Fort George to Lanark, a town with which they have no connection?

Mr. CHILDERS: Sir, in reply to the hon. and gallant Gentleman, I have to state that the 71st Highland Light Infantry will not be localized at Lanark, but at Hamilton. The reason for the battalion being separated from the 78th is that the 72nd and 78th, both in their own opinion and in that of the district, naturally form one regiment, being both Mackenzie Highlanders, and the 71st, being thus displaced from Fort George, is joined with the 74th, another trews regiment of the same character, and will recruit from the large Highland population in Glasgow and its neighbourhood.

INDIA—THE GOVERNORSHIP OF MADRAS.

Mr. ARTHUR ARNOLD asked the Secretary of State for India, Whether, considering that the charge of the establishment of a Governor and two members of Council in the Presidency of Madras amounts to £38,000 a-year, and in view of the large financial saving which would accrue to India by the substitution of a Lieutenant Governor, as in Bengal, he intends to abstain from appointing a successor to the late Mr. Adam until a final decision has been arrived at on the subject? He desired to explain that the Question was a repetition of a Question put by the Earl of Camperdown in the House of Lords prior to the appointment of Mr. Adam, in reply to which it was stated on the part of the Government, by the Earl of Northbrook, that though the appointment of Mr. Adam could not be delayed the matter was well worthy of consideration, and that it would be discussed and decided by Her Majesty's Government after taking the opinion of the Governor General in Council.

MR. SPEAKER said, that the hon. Member was out of Order. He was quoting what had been said in the other House of Parliament during the present Session.

MR. ARTHUR ARNOLD said, his object was merely to learn the decision of the Government, which he had no doubt would be satisfactory.

THE MARQUESS OF HARTINGTON: Sir, I have no doubt my hon. Friend is aware that the change he suggests could not be made without legislation. There is a great difference of opinion in India on the question, and, in my opinion, the policy of the suggested change is open to a very great deal of doubt. But in any case the necessary legislation to be obtained with the consent of Parliament would be a work of considerable time, and under the circumstances I think it would be quite impossible to contemplate the not filling up of this office until the decision of Parliament had been arrived at. I am quite aware that in "another place" it has been stated that the subject was well worthy of consideration, and that the attention of the Government of India was directed to it. The opinion of the Government of India has not been formally communicated to me; but I have been in communication with my noble Friend the Governor General on the subject, and the result of these communications is that legislation on the question cannot, within a reasonable time, be initiated.

GENERAL SIR GEORGE BALFOUR: Is the vacancy yet filled up?

THE MARQUESS OF HARTINGTON: No, it is not yet filled up.

MOTION.

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PARLIAMENT — BUSINESS OF THE HOUSE—LAND LAW (IRELAND) BILL.

RESOLUTION.

MR. GLADSTONE: Sir, I rise to move—

> "That on and after Wednesday next, the several stages of the Land Law (Ireland) Bill have precedence of all Orders of the Day and Notices of Motions on all days when it is set down among the Orders, until the House shall otherwise determine."

I think the House has been, in a considerable degree, prepared for a Motion of this kind. The House is aware that we regard the duty of pressing the Land Bill as one paramount above all others, so far as we are concerned, and that nothing that is in our choice will be allowed to interfere with its progress. However, I am bound to say I do not think that sentiment is confined to us, but, unless I am much mistaken, pervades not only what is commonly called the majority of the House, but also the minds of many who do not belong to that majority. I therefore hope there will be a general disposition to entertain favourably a Motion of this kind. Perhaps it is necessary I should say that in one point of view, and one only, I feel, at least personally, a little disappointed, and that is in the point of time. We have had 13 Sittings in Committee on the Land Bill, and we have only completed four clauses of the Bill. The Bill, no doubt, is a very complex one; but, at the same time, I have had to do with other very complex measures in this House, and have been responsible for them in the same sense and manner, and I must own that the experience of the Committee on this Bill has been, in regard to time, more discouraging than any I have had formerly to do with. Anybody who would be kind enough to refer to the proceedings of the Committee on the Irish Church Bill, on the Irish Land Bill, on the Succession Duty Bill, on the Reform Bill of 1866, and I might mention other measures, will see what I mean—I do not intend to convey anything beyond the fact, and to notice that we have been perhaps too sanguine in our expectations; but they will understand what I mean with regard to the progress of the present Bill in Committee. As the matter stands the case is a serious one, for I speak on the 28th of June. But it must be borne in mind that the 28th of June in the present year corresponds with the 28th of July in any other year, because the House of Commons met one month earlier in the present year than usual. And not only so, but I do not believe it would be easy to find in the records of Parliament that in any other year the time before Easter was a time of such close application by the House. It is only fair and natural that there should be a desire to know what are the views and intentions of the Government beyond the passing of the Land Bill during the present year. I am assuming that there will be a disposition to afford additional facilities to promote the progress of the Land Bill as the consequence of approaching exhaustion on the part of the House. [Mr. WARTON: No, no!] I did not say approaching exhaustion on the part of the hon. and learned Member, for his capacities of endurance and some other faculties he possesses are really inexhaustible. My sentence would have ended to this effect—It is, perhaps, a sign of the approaching exhaustion of the House, which should not be overlooked, that on Tuesday evenings, when it is left entirely to its own spontaneous action, limited as are the opportunities of private Members, it has not shown a disposition to rally its energies for the purpose of doing Business on those occasions. So far as the Government are concerned, under ordinary circumstances, it would be a most fair demand to ask of us what other measures we propose to proceed with, in addition to the Land Bill. At the present time I cannot give a positive answer to that question in detail, and for the reason that as yet we do not feel able to form a definite expectation as to the progress in Committee of the Land Bill, and, until we are able to do so, we cannot well say what else besides the Land Bill we can do. I do not refer now to any minor measures; the House would not probably raise any questions about them; but I refer to measures of importance, such as those mentioned in the Queen's Speech. Two, or, perhaps, three, things I may venture to say. First of all, the catalogue of anything we attempt beyond the Land Bill will be a short one. Secondly, I do not look forward to the possibility, or, I may say, the propriety, of our endeavouring to carry through the House after the Land Bill any measure which is likely to be a subject of prolonged and general controversy; I think hon. Gentlemen may dismiss that idea from their minds. There are questions which do not stand quite in that category, and with respect to which we should like to see the progress we have made with the Land Bill by the beginning of next week before we give a positive engagement. There is another way in which I can indicate the disposition of the Government, and that is to refer to what we hope and contemplate as to the termination of the Session; because if we are really speaking on the 28th of July in an ordinary year, the Government would be expected to give definite and distinct information on this subject. My only difficulty now is that we are entirely dependent on the Land Bill; everything I say must, and will, I hope, be understood to be subject to the conviction we entertain of our paramount obligation not to spare ourselves nor to spare the House in begging it to make every exertion for the passing of this measure. But subject to that consideration, we shall do our very best to procure the Prorogation of the House early in August—I hope not later than the close of the first week in August—and shall not ask the House to sit longer to deal with some particular Bill. There is no Legislative Assembly in the world that makes such free and large sacrifice of the time, convenience, and health of its Members as the House of Commons; and this year the House has been called upon to make those sacrifices even in an unusual degree. We, therefore, feel it to be our duty to the House to see that no obstacle, apart from the Land Bill, so far as we can judge from the materials now before us, shall be interposed so as to interfere with the prospect I now hold out. In the course of a short time I trust to be in a position to enter more into detail; but I hope that what I have now stated may suffice generally to indicate the intentions of the Government so far as they are elements in determining the length of the Session. With regard to the question of the Transvaal Debate, my hope is that we may be able to close the Committee on the Land Bill in time to make it convenient to have that debate immediately after the close of the Committee and, therefore, before the Report. As we have been disappointed before we may be disappointed again; but if the debates in Committee should be prolonged beyond what we are led to expect, I should feel myself bound, though with great reluctance, to interrupt the proceedings in Committee before its close for the purpose of fixing a day. I do not like to name a day at the present time; I hope that I may speak with more definiteness early next week. This is all, I think, that I need say in recommending this Motion to the House.

Motion made, and Question proposed,

"That, on and after Wednesday next, the several stages of the Land Law (Ireland) Bill have precedence of all Orders of the Day and Notices of Motions, on all days when it is set down among the Orders, until the House shall otherwise determine."—(*Mr. Gladstone.*)

SIR STAFFORD NORTHCOTE: The Prime Minister, in recommending this Motion to us, has given us some general assurances which, so far as they go, are more or less satisfactory; and, in return for those assurances, he asks us to give him a very specific concession of time; and he promises that he will make the general assurances more specific when we have given him the power he asks us to confer upon him. I must call attention to the particular character of this Motion. It is not such as is sometimes made towards the close of a Session when the Government comes forward to ask that the whole time should be given up for the remainder of the Session to Government Business. When that has been done it has almost invariably been accompanied by a specific statement of the measures with which the Government intended to proceed and of the time they hoped to conclude the Session. The House is now asked to give precedence, not to Government Business generally, but to a particular Bill. No doubt, it is a Bill of great importance; but we on this side of the House cannot accept the views of the Government with regard to that Bill. We look upon the Bill as being by no means of that perfect character which its promoters think; but we do look upon it as a Bill of great importance which requires careful consideration; and we are glad to facilitate arrangements for the full and fair discussion of it while the House is still able to give attention to it. Therefore, it is desirable we should support reasonable proposals for giving the opportunity of full discussion. If the proposal had been made on the same terms as the proposal that was made earlier in the Session with regard to the Protection of Life and Property Bill and the Arms Bill, I should have seen little cause to doubt the wisdom of the proposal. The former proposal was that the several stages of the Bill should have precedence of all Orders of the Day and Notices of Motion from day to day until the House should otherwise order, the effect being that the Bill was proceeded with to the exclusion of all other Business. Now, the Government ask us to do a very different thing. They ask us to say that certain stages of this particular Bill shall have precedence of all other Business on all days when it is put down on the Order Book. That puts the matter entirely in the hands of the Government. They may put the Bill down on the Orders of the Day upon all nights which are usually given to private Members, and they may put other Government Business of any kind down on other nights. I do not suggest that they will do anything of the kind; but it is necessary to ask what use they intend to make of the concession. We cannot help seeing that there is very much of other Business in arrear. The right hon. Gentleman said truly that, having regard to the time at which the Session opened, the 28th of June was almost equivalent to the 28th of July. I venture to say that on no 28th of July in any ordinary year has the Business of Supply been so far behind as it is now. There are 193 Votes to be got there; only 43 have been voted, and 150 remain. Not one single Vote has been touched in Classes III., IV., V., VI., and VII. of the Civil Service Estimates, nor in those for the Revenue Departments, and only a small number of Votes have been taken in the Army and Navy Estimates. We are, therefore, extremely behindhand with Supply, and we ought to have some assurance that the Government will use the time which is to be put at their command, so far as it is not required for the Land Bill, for going on with Supply rather than undertaking measures about which they have not defined their position, whether they regard them as necessary or not. Of course, there are some which are of an indispensable character; it is not difficult to name them; and the Secretary to the Treasury would in a quarter of an hour give a list of the measures which are really indispensable. There are other measures which may or may not be important or desirable, but which cannot be regarded as indispensable. We ought to be told what are the measures which the Government consider as indispensable. We ought to have an assurance that the Government will not ask the House to sit beyond some such time as that indicated for any other purpose than that of getting through the Land Bill and the measures which are now indicated, before the House parts with its power. We ought to have an assurance, also, with regard to the Transvaal debate. While we accept the assurance we have received that it shall come on as early as possible, I should be glad if it could be made a little more precise; and we ought to have a clear and distinct statement as to the measures with which the Government intend to proceed. Let me remind the House of the exceptional character of the Session. Not only was it begun so early as the 6th of January, but the earlier part of the Session was taken up with the measures relating to Ireland. The debate on the Address lasted 11 nights. The Government had all the time, from the 25th of January to the 11th of March, when we were subjected to exceptional Rules of Urgency, and when it was over an attempt was made to get Urgency for Supply; but we could not stand that, and we did what we could to facilitate Business without resorting to that disagreeable alternative. Since then we have had nothing but the Irish Land Bill, and we have only got through four clauses. Some of the remaining clauses contain principles which are of much consequence and details which are of the greatest perplexity, and which must be debated by those who take an interest in questions connected with property with considerable fulness and care. It is not enough for the Prime Minister now to say that the Government do not intend to press forward any measure which may involve prolonged discussion. I should like to know what measures they are able to say they think it necessary to carry. We ought to know, for instance, what is to be done with the Corrupt Practices Bill. I do not express any opinion with regard to the general details of it; but I say it is a subject which demands the careful attention of Parliament when it is dealt with. Then, the Bankruptcy Bill is one of great importance. Do the Government think they will get it through in the present Session? It would greatly facilitate matters for us all if we knew what their real programme was. Then there is the Ballot Act Continuance Bill. Of course, a Continuance Act is a matter of necessity; but are we to have other provisions imported? If so, they will require a great deal of discussion. There is another measure which, no doubt, would lead to prolonged controversy—that is, the Parliamentary Oaths Bill. We wish to know whether it is intended to proceed with the Floods Bill or the Charitable Trusts Bill? There are several other measures as to which we should like definite information before we take such a very strong and really unprecedented step as the Government ask us to take. It is to give the Government power to take precedence of all other Business when they choose by putting the Irish Land Bill on the Orders of the Day, without any corresponding obligation on the part of the Government, and without any security with regard to Supply. I hope before the Motion is agreed to we may obtain a little more definite information.

Mr. JUSTIN M'CARTHY said, there was a good deal of fairness and justice in the remarks of the Leader of the Opposition. It was only reasonable that hon. Members should expect the Government to prove their sincerity with regard to the Land Bill by putting it down from day to day before giving them the power they asked. The right hon. Gentleman who had just sat down said that he was far from regarding the Bill as being so perfect as the Government and their Supporters considered; and he (Mr. Justin M'Carthy) might not think even so highly of it as the right hon. Gentleman; but still, such as it was, he should wish, if it was to do any manner of good to the Irish people, to push it on and pass it as soon as possible, and to clear Parliament of an encumbrance. He had considerable sympathy with English and Scotch Members. He thought it was somewhat trying for them to find that the whole time of the House was taken up, and every measure that concerned them pushed aside, from Session to Session, by the work of Irish legislation; but English and Scotch Members would please to recollect that that, at least, was no fault of the Irish Members. They had, over and over again, urged upon the House the necessity of withdrawing from the Imperial Parliament this great mass of purely domestic Irish legislation. Then, he could not allow this opportunity to pass without reminding Her Majesty's Ministers that two months of the best part of the Session were absolutely wasted in the most useless and wanton legislation that had been tried in that House for many years. It was, again, no fault of the Irish Members that those two months were thrown away on legislation which had proved to be perfectly useless, if not, indeed, calamitous, instead of being employed in getting through the Irish Land Bill, and thus getting rid of any possible necessity for Coercion. Those two months had been wasted on legislation which had made the state of Ireland much worse than it was before. Under these circumstances, if the Government proposed to take away the last chance from private Members during the Session, it should be for the definite purpose of pushing forward this Land Bill to the end. There were many important measures that had but little chance, he feared, of coming on. There was one very important measure with regard to Ireland, and which had been mentioned in the Queen's Speech from the Throne. He meant the Bill for the establishment of County Boards. He supposed there was little chance of seeing that measure introduced this Session. He would repeat, then, that if the Government took so much time from private Members, he thought it should be for the sole purpose of bringing this Land Bill to a conclusion.

Mr. CHAPLIN said, that the right hon. Gentleman had dangled before them a bait which opened up a tempting prospect. The Land Bill was to be happily and speedily got through Committee; the catalogue of other measures was to be exceedingly short; no subject involving political controversy was to be brought before the House after the Land Bill; and the Session was to end the first week in August. This was charming, delightful; but, unfortunately, it was based on a series of assumptions. Suppose the Land Bill did not pass through Committee in the manner contemplated by the right hon. Gentleman, what would become of all the prospects which were held out by the Prime Minister? Before the House assented to the Motion, they ought to have something more definite from the Government. There could be no doubt the Government were making most unusual, most extreme demands on the forbearance and patience of the House. This was not only a Motion for giving precedence to the Irish Land Bill; it was in reality a Motion for giving precedence to whatever Business of their own the Government might choose to put before that of private Members for the rest of the Session. He did not want to throw the least doubt on the assurance of the right hon. Gentleman, but the Motion went a great deal further than the statement. He should, therefore, move an Amendment to bring the Motion into accord with the statement, and he hoped the Government would accept the Amendment. Considering the time of private Members the Government had already absorbed this Session, it was a grave question whether the private Members would not be within their rights in declining to give up more for the Irish Land Bill. Under ordinary circumstances, no doubt, the House would refuse to do so without a struggle. But the circumstances of the present time were not ordinary. He regretted deeply the desperate condition to which Ireland had been brought since the present Government unhappily came into Office. Under the circumstances, they should be disposed to meet the Government as far as they could. The right hon. Gentleman thought that in many parts of the House there was a prevalent feeling of the paramount importance of proceeding with the measure. That was not his own opinion; and outside he never recollected a measure of such importance being treated with so much apathy, which arose from doubt as to whether it would effect the permanent good that was hoped from it. Be that as it might, they were disposed to meet the Government with a fair compromise, and he therefore suggested an Amendment to carry out what was said by the right hon. Gentleman. He would move to omit from the Resolution the words "when it is down among the Orders." That would leave the Government complete and entire precedence for the progress of the Land Bill, which they had asked the House to concede. He was not sure whether, at this period of the Session, private Members ought not to retain Fridays; but he would not himself move that. He hoped the Government would give the distinct assurance asked for by the Leader of the Opposition—that they would not prolong the Session beyond the ordinary time in order to take anything but the Land Bill and whatever else was indispensably necessary, and to attain that object he moved the omission of the words "when it is down among the Orders."

Amendment proposed, to leave out the words "when it is set down among the Orders."—(*Mr. Chaplin.*)

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GLADSTONE: Sir, the demand of the hon. Member that, as far as we are concerned, we should not prolong the Session beyond the ordinary time by any Business as to which we have an option, is, I think, a perfectly fair demand, and I intended to convey the most complete acceptance of that demand by anticipation when I made my statement. I am very sorry that I did not supply a verbal comment upon the Motion, which I really thought was unnecessary. Undoubtedly, the Motion, as it stands, is open to the objection that we might propose the most arbitrary or most ridiculous selection of Business for the House upon Government days, and on private Members' days to absorb the time of the House with the Land Bill. Well, Sir, I think an answer to that objection might be found in the various pledges we have made to devote to the Land Bill every moment of time at our command. Of course, I should have thought it quite unnecessary to trouble the House with the superfluous statement that it would be our intention to continue in that course; and when asking sacrifices from Members for the purpose of enabling us to pursue it more effectually, that was in addition to what we have been already doing with the Land Bill, and not in substitution for it. However, if it is necessary for me to descend to give that assurance, I give that assurance. It was asked, at an early period of the Session, whether we meant to use Mondays and Thursdays for the forwarding of unimportant Business, and I gave an assurance that it was not, and I give what I should have thought an equally unnecessary assurance now. But the substantial point raised is that to which I ought, perhaps, to have referred—namely, the variation of the Motion from that usually made towards the end of the Session; and I think I can show to the House several reasons for the variation. The right hon. Gentleman and his Friends seemed disposed to press upon us the necessity that might arise of interrupting the Committee on the Land Bill in order to take the Debate on the Transvaal. I have admitted there might be circumstances, though I hope they will not arise, under which it would be our duty to interpose a day for the Debate on the Transvaal; but I should like to know how I am to reserve a liberty to give a day for that discussion, except by the very variation objected to in the terms of the Motion? Therefore, it is a little hard that from that quarter there should come this objection to the Motion in its present shape. But it is not only the question of the Transvaal; but there might arise a necessity for proposing a Vote in Supply. We might be absolutely compelled to interrupt proceedings in the Land Bill for that purpose; and, over and above that, it is quite obvious it would be most unwise to frame the Motion in the form of an engagement to press the Land Bill from day to day; because, plainly, when we come to the close of the Land Bill, it would be a matter of absolute necessity to introduce an interval—I hope not a long one—between the Committee and the Report. That will be the time when it will be the duty of my right hon. and learned Friend the Attorney General for Ireland to redeem the pledge he has given as to the consideration of various matters not unimportant in the Bill, and Members would naturally and most justly require that there should be a short interval given for the consideration of other Amendments on what the Government might propose. I hope, therefore, the House will see that I have given the assurance which was requisite—I mean that we should not take advantage of this for the most unworthy and discreditable purpose of pressing our own measures forward on Government days, and using private Members' days for the Land Bill; and likewise it is a matter of absolute necessity to frame the Motion in such a way that there shall be a power to interpose other Business—either that which is deemed to be necessary and indispensable, or that which is required for the due consideration of the Land Bill itself. With regard to asking now for an exact determination of the measures which we are to go forward with, and those which we are not, it has certainly appeared to us that we have given sufficient pledges for the moment in describing our views as to the length of the Session, and in stating that we should not willingly be parties, so far as we had an option, to pressing upon the House any question that was likely to be the cause of prolonged and general controversy. Shortly, when we have got over the remaining most knotty points of the Land Bill, which I hope will be in a few days, I propose to go further. You might, undoubtedly, plant your foot down, and say you will not give the additional power until we have told you all these things in detail. Well, if that were a wise course, let the House take it. But the Motion I am now making I can truly say is not for the interests of my own convenience, or even for the convenience of the Government at large; but in consequence of a very sincere conviction that the House has suffered much and endured much in the severe labours of the present Session, and in a very earnest desire to suggest such means as appeared to us most likely to enable us to bring those measures to the earliest and most satisfactory termination. We shall not lose a moment in giving assurances in detail upon this subject; but, in the meantime, I may refer to the assurances I have already given.

MR. NEWDEGATE said, that he stood in a somewhat peculiar position; in fact, he stood alone on that side of the House in having supported the proposal of the right hon. Gentleman the First Lord of the Treasury, that the Rules of Urgency, which had been adopted originally for passing the Irish Coercion Act, should be continued for the passing of the Land Bill. The House had refused that proposal, and now it found itself in this position, that having refused "urgency," it had fallen under the absolute discretion of the First Minister of the Crown as to what Business it should entertain. That was the result of action of the House itself. What, he asked, had they seen in this Parliament? Why, that a section or party from Ireland had proclaimed its determination to coerce the House. The House had passed Coercion Acts for Ireland, and had otherwise returned the compliment. That, he thought, was the real explanation of what had occurred in the present Parliament. He had voted for a continuance of the Rules of Urgency, because he felt that those Members who pretended that they formed exclusively the Irish Party was aiming, and not altogether unsuccessfully, at controlling the free action of the House —in fact, that the House had to choose between coercing them or being coerced itself. He thought, therefore, that the present position of the House amply justified the difference of opinion he had entertained on the occasion to which he had referred, when he voted against the hon. Gentleman, with whom he had had for so many years the pleasure of acting. He hoped, then, the House would see that, so long as the rebellious disposition of Ireland was in so marked a manner manifested within its walls, it would be necessary that the House should adapt its action and its forms to that very unfortunate state of things. As an old and independent Member of the House, he had for years humbly endeavoured, however inefficient might have been his attempts, to maintain the honour and efficiency of the House; and he trusted that hon. Members would excuse his begging them gravely to consider the experience they had gained in this Parliament—that they would consider what measures were necessary to guard the honour and efficiency of the House of Commons from similar interruptions hereafter. He could not be accused of being actuated by factious or by interested motives in thus addressing the House; because the present Government had proposed measures to which he, personally, was decidedly adverse; but he deemed it fortunate that the Liberal Party had, while in Office, gained experience of the necessity of promptitude on the part of the House in defence of its own freedom of action against a system of obstruction, which was alien to the principles of the

Liberal Party as it was destructive of what true Conservatives desired to preserve. He still felt confidence in the patriotism of hon. Members generally, and confident that, as true Englishmen, they would forgive an old and independent Member for having ventured upon this appeal, in the hope that measures would be adopted to guard the honour and efficiency of the House of Commons.

MR. J. COWEN said, he thought the Prime Minister in his opening remarks correctly described the state of feeling in the House. Members were all anxious to be rid of the Land Bill. Those who were in favour of it wanted to see it pass into law with all possible expedition. Those who opposed it—knowing that it must pass, at least through the Commons—were desirous that it should pass speedily, so that they might reach either the Recess or more agreeable legislation at an early date. It was not his intention to offer any opposition to the Resolution; but he desired to take that opportunity, as he had taken previous opportunities, of recording his protest against the persistent and systematic encroachments that were made upon the time and privileges of independent Members. These privileges were getting small by degrees, and rapidly less. There were two Parties in that House——

MR. HEALY: Three.

LORD RANDOLPH CHURCHILL: Four.

MR. J. COWEN: Well, there might be three or four; but these were political Parties. He was not referring to such divisions. There were only two Parliamentary Parties—the official, and the non-official. The officials, being combined and organized, were making incessant and excessive encroachments upon the domain that Parliamentary Rules, as well as of generations of usage, had assigned to private Members. ["No, no!"] Some hon. Gentlemen contested the statement. He would appeal to history, and he would justify his assertion by the recital of facts that were within the knowledge of all, or nearly all, present. The Motion the Prime Minister had submitted was a Motion usually made towards the termination of every Session. It was a proposal that was for the convenience of Members and for the advantage of the Legislature. A few days before the Prorogation, the Leader of the House generally requested that all the time should be committed to the charge of the Government for the purpose of enabling it to complete measures that had made fair progress, to get the remaining Estimates voted, and the Appropriation Bill passed. In fact, the concession was made to the Executive with a view of aiding them in winding up the Business of the Session. No one objected—no one could reasonably object—to such an arrangement. The tendency of Government—he did not speak of the present, but of past Governments as well—was stealthily and systematically to encroach upon the time of private Members, and, while lessening it to increase that at their own command. ["No, no!"] He was only stating what everyone familiar with the practices of Parliament knew to be the case. There were some Members near him who evidently did not like to hear the truth. There were no more intolerant persons in this world than illiberal Liberals. He was struck with a remark recently made by his noble Friend the Member for Haddingtonshire (Lord Elcho), when he said he was not a modern Liberal, because he loved liberty. And, certainly, the justice of that remark was borne out by the intolerance that was constantly manifested by the Members near him when anyone ventured to express an opinion which they in their wisdom could not agree with. Their censure, however, should not deter him from saying exactly what he thought, and with such force as he chose to exercise. He repeated the statement—the entire drift of the present and past Executives was to increase their own power at the expense of that of the non-official Members. In 1874, the first Session of last Parliament, the late Prime Minister asked the House to place the whole of its time at the disposal of the Government in the first week of August. This was nine or ten days before the Recess. The next year, 1875, there was a similar application; but instead of being made in August, it was made in the closing days of July. The year after it was made still a few days sooner. Every year the time absorbed by the Government was enlarged—not much, he admitted, only a day or two each Session; but still it was absorbed—with the result that towards the end of the Session of 1879 the late Government asked for the control of all the time of the House on July the 20th, instead of, as at starting, the beginning of August. The present Government bettered that application. Last Session they asked for the whole of the time of the House from July the 12th. They did more than that. Instead of concluding the Business of the House within a few days after that date, they sat on until some time in September. In other words, last Session, for all practical purposes, lasted little more than three months, and out of that period the Government had nearly the exclusive control of two months. This year matters were worse. The House met a month earlier than usual, and one of the first demands made by the Ministers was that the Government should have possession of every night. They got this in the first instance, by courtesy, to vote the Address. They next applied for a formal assignment of all the time, with a view of passing their hateful, humiliating, and demoralizing Coercion Bill. Even this, however, did not satisfy them. The progress of that odious legislation was not sufficiently rapid, and they constituted a Parliamentary despotism which they euphemistically called "Urgency." The outcome of this arrangement was that from January till Easter the Government not only had command of all the time, but during many weeks the liberty of speech was largely curtailed. Up to that time the Speaker had been the servant of the House. He had simply to give effect to Rules that the Legislature adopted. But by their scheme of "Urgency" they made the Speaker their master. He not only put the Rules in force, but he made Rules of his own, and applied them as he liked, in order to close discussion when he pleased. [*Home Rule Cheers, and* "No, no!"] He knew it was unpleasant to have these facts stated, but they were true; and truth was very often troublesome. When the House met after Whitsuntide the Government adopted a system of Morning Sittings. This did not ignore private Members' rights, though it certainly curtailed them. Now, little more than a fortnight after Whitsuntide, and before the end of June, the Government were applying for powers to control all the time of the House, a demand which in previous Parliaments was not made for nearly a month later; and this they did in spite of the fact that the House met nearly five weeks earlier this year than usual. The Prime Minister said he hoped the Session might terminate by the first week in August. He hoped so, too, as they were all weary, and would be glad to be away from duties which had lately become both troublesome and irritating. But he feared the Premier's predictions were not likely to be verified. It was more likely to be the end than the beginning of August before the work the Government had on hand could be completed. The Session would in all likelihood run on for eight months instead of six; and he would undertake to say that during these eight months there would not have been eight weeks, barely five in fact, wherein private Members had been at liberty to exercise the privileges that the Rules of Parliament and the customs of the Legislature accorded them. He was astonished, something more than astonished, indeed, at the strange indifference that was manifested by Gentlemen near him to this steady and insidious encroachment on unofficial Members' rights. If it went on without check the Executive would become uncontrolled masters; and anything more undesirable, anything more inconsistent with what he understood to be Liberal principles, he could not well conceive. Surely Liberal Members would not deny the advantages that had been derived from the exercise of private Members' powers. One of the brightest pages in the history of Parliament was that recording the efforts which despised private Members had made for the country, for the Legislature, and for freedom. Parliament had three functions. The first was to make the laws; the second, was to control the administration of the State, to levy and to expend the taxes; and the third, and by no means the least important function, was to act as an engine for the creation of public opinion. Whoever else decried this ancient attribute, he was certain that English Liberals ought not to do it. Some of the most brilliant achievements of the British Parliament had been won by the class of Representatives that it was now fashionable to sneer at. Was it not by the efforts of independent Members that slavery was abolished and the Slave Trade destroyed? Was it not unofficial Members who forced the question of Parliamentary Reform, of Free Trade, of factory legislation through the House? The speeches they made, the Resolutions they succeeded in passing, the information they distributed, created a state of public opinion that made possible the enactment of the laws on these subjects that they now boasted of. And yet, in spite of these achievements, these honourable and beneficial achievements, they had Liberals to-day not only consenting to the surrender of their privileges, but running in hot haste to press their surrender upon the acceptance of the Executive. He could not understand such a course of procedure. He was sure it was suicidal, and if he stood alone he would protest against it and resist it. He was not blaming the Government. It was natural for Ministers to wish to get their Business through. Every Executive was reasonably concerned for the passing of their measures. If Parliament was willing they would, no doubt, be glad to get control of all the time. The Government was, to a large extent, the victim of a system. And this Session affairs had been exceptional. Yes, he admitted that; but, unfortunately, nearly every Session now was exceptional. This one was exceptional, the last one was exceptional, and the next would be exceptional. These exceptions in time made a rule, and they would make a rule all the sooner if someone did not raise a protest against them. It must be manifest to everyone who followed the proceedings of the House that the work had got too heavy for the machinery. It was necessary to recast it; but, until this was done, better progress might be made even with the old mechanism. If a little more consideration was shown by one Party for the other, the dead-locks that they sometimes experienced would not arise. Members talked too long and too often. ["Hear, hear!"] He understood what that cheer meant; but it could have no reference to him. He was not accustomed to obtrude his observations upon the House, or to talk at unnecessary length. He had not been given to move adjournments, or obstruct either the present or the past Ministry, as some who stood near him had done. He held, notwithstanding all the old restrictions, that much more work could be got out of Parliament than was now got if moderate forbearance was shown by one Member to another and by one Party to another. But, while he admitted this and did not ignore the faults of the system, he wished also to say that the confusion into which the Business of the country had been landed this year was in no small measure due to the action of the Ministers themselves. They introduced Bills at the commencement of the Session which struck at the very foundation of popular liberty. They took from an entire section of the population of the United Kingdom the commonest privileges accorded them by the Constitution. It was not reasonable, it was not natural, that the men whose liberties were thus assailed, and amongst whose countrymen a system of arrogant and offensive despotism was set up, should quietly acquiesce in such measures. They resisted them, and his only fault with them was that they did not resist them more determinedly than they had done. The Government ought to have known, might have known, that it was impossible to pass Coercion Bills without protest and without opposition. They admitted that the law in Ireland was unjust. If, instead of passing a Bill to enforce an unjust law, they had passed a measure to amend the law, much of the opposition they had encountered this Session, and much of the delay that had taken place, would have been avoided.

Mr. O'CONNOR POWER said, he desired to contrast the sentiments to which expression had been given on opposite sides of the House. The hon. Member for North Warwickshire (Mr. Newdegate) recommended a policy of universal coercion as the only remedy for obstruction and the turbulence of Irish Representatives, while the hon. Member for Newcastle-upon-Tyne (Mr. J. Cowen) consistently opposed coercion, and declared that the principles of liberty ought to be universally applied to the conduct of debates in the House and to discussions outside it. If the hon. Member for Newcastle-upon-Tyne had not made similar protests in former Parliaments, perhaps there might have been some reasons for the interruption he was met with. In point of fact, however, the hon. Member for Newcastle-upon-Tyne had made the same protests in former Parliaments; and he, who had been a witness of the hon. Gentleman's consistency, would not withhold from him the tribute of his approbation. The Leader of the Opposition had reminded the House that he and his Friends readily conceded facilities to Her Majesty's Government for passing the Coercion Bill; and he could not help contrasting the difficulties which the right hon. Baronet had raised to the present Motion with the ease and readiness with which he assented to the proposal of the Government to suppress Constitutional liberty in Ireland. As an Irish Member, he wished to give the Government facilities for carrying the Land Bill. There could be no longer any doubt that if this Resolution was passed, Her Majesty's Government would put the Land Bill in the very forefront of the Order of Business till it passed through this House. The Prime Minister himself had said so; and the right hon. Gentleman never violated any pledge he had ever made to the people of England or to the people of Ireland. [*Murmurs.*] He noticed that they all admired the quality of independence when it was observed in someone who was not a Member of their own Party. He accepted the consequences of that proposition, and he repeated that no leader of an Irish Parliament, conducting a measure of the greatest importance to Ireland, could exhibit greater industry, more singleness of purpose, and more love for the masses of the people than the Prime Minister had exhibited. He would now ask the permission of the House to join his hon. Friend the Member for Longford (Mr. Justin M'Carthy) and his hon. Friend the Member for Newcastle-upon-Tyne in the effort which they had made to fix the attention of the House on the real root of the difficulty in connection with the block of legislation. Every Session Motions of this character had been made; and the hon. Member for Newcastle-upon-Tyne was right in referring to the indifference with which a large number of private Members regarded the taking by the Government of the time which constitutionally ought to belong to them. After the passing of this great measure, and of other measures which were in contemplation, the Government would still be face to face with the question of allowing all the different parts of this great Empire to manage their own local affairs.

VISCOUNT SANDON said, that whatever views hon. Members on that side of the House entertained on the Land Bill, all were agreed that it was necessary to expedite its progress. But he had one point to press. They had to consider, not the convenience of the House only, but the convenience of the country. He wished to remind the Prime Minister that there were before the House several very large and important measures in which the large business communities took the greatest interest. He referred to the Alkali Bill, the Floods Bill, and the Bankruptcy Bill. Many large associations were conferring together on those Bills, and many gentlemen were preparing to come up to London to consult their Representatives with regard to them. It was, therefore, of the greatest importance that the Government should state, as early as possible, whether or not it was their intention to proceed with them this Session. He would also ask whether it was intended to take Morning Sittings under this Rule?

LORD RANDOLPH CHURCHILL asked if the night of the 22nd July would be appropriated, because he had a Motion to submit on that night with respect to the late occurrences at Tunis? The question had been debated in the French and Italian Chambers; therefore, if the night which had been selected, after two or three ballots for the discussion, was taken away, would the Government give facilities for bringing it forward as early as possible?

MR. RITCHIE said, the Prime Minister had divided the Bills of the Session into two classes—those that were absolutely necessary, and those that were disputed and were likely to lead to much discussion. In which category did the right hon. Gentleman place the Parliamentary Oaths Bill? It was essential that the House should know the intentions of the Government regarding that Bill, as its continual re-appearance on the Order Book day after day suggested the suspicion that the Government, always exceptionally strong at the end of a Session, would ultimately endeavour to pass it through the House.

MR. R. N. FOWLER asked what was to become of the Corrupt Practices Bill? When first introduced he thought it a measure whose principle all Parties would be anxious to support, however they might differ about details; but since then it had been publicly stated by the hon. Member for Ipswich (Mr. Jesse Collings), an eminent Liberal electioneerer, that its object was not to promote purity of election, but to serve the interests of the Liberal Party. Hence it would be the duty of the Conservatives carefully to consider it.

Mr. GLADSTONE said, he thought the hon. Gentlemen who had put questions with regard to two Bills would see that they justified him in making the request that they would kindly wait for the time he had suggested. If he answered with regard to one or two Bills, other Members who took an interest in other Bills would ask as to the probable fate of those; and he was not now in a condition to go through that catechism satisfactorily. However, the time would be very short when he would be able to put them in full possession of the intentions of the Governments. He was very sensible indeed of the weight of the considerations addressed to him by the noble Lord (Viscount Sandon) with regard to Morning Sittings. They had not formed any intention to ask the House to discontinue them; but in that matter they would be guided by the general feeling. As regarded the question of the noble Lord (Lord Randolph Churchill), he thought by the time mentioned the rule would have ceased to operate; and, at all events, he might be pretty sure that the necessities of the Government, with regard to Supply, would afford him the opportunity he desired.

Sir STAFFORD NORTHCOTE said, he thought the answer of the right hon. Gentleman satisfactory, as far as it went, and would recommend his hon. Friend not to go to a division. They must feel there was force in the observation with regard to the particular form of the Motion, and that it enabled him to take up Business such as the Transvaal debate and Supply. The Government might, perhaps, have taken the House more fully into its confidence; but they would soon know its intentions more explicitly.

Mr. CHAPLIN said, he would yield to the appeal just made to him, and ask leave to withdraw the Amendment.

Mr. T. COLLINS said, that before the Amendment was withdrawn he wished to protest against the continuation of Morning Sittings. There was no excuse for them, for, although there was a gain of two hours in commencing the Business at 2 o'clock instead of 4 o'clock, that gain was neutralized by the loss of two hours—the period during which Business was suspended between 7 o'clock and 9 o'clock.

Mr. HEALY said, he thought the Prime Minister had yet to earn the character given him by the hon. Member for Mayo (Mr. O'Connor Power). At any rate, the hon. Member's speech had enabled him again to pose in his present character of an independent Member of the Irish Party. He would remind the House that last year a promise had been given that a Franchise Bill for Ireland should be introduced, and that the Registration of Voters Bill, which had been defeated in "another place," should this year be brought in and passed as a Government measure. Neither of these promises had been kept, and this year the promise of an Irish County Government Bill was to be added to them.

An hon. Member: Whose fault was that?

Mr. HEALY said, he heard the hon. Member for Leeds (Mr. Barran) ask whose fault it was that these measures had been delayed.

Mr. BARRAN begged the hon. Gentleman's pardon. He had not made any such remark.

Mr. HEALY said, he was sorry he had mistaken the hon. Gentleman; but the hon. Gentleman so constantly interrupted him that he had naturally thought he had heard his voice. There was also the Limitation of Costs Bill, a Bill introduced by an hon. Member sitting on the Government side of the House. This Bill was passed by the House of Commons last year, but was thrown out by the House of Lords. The pledge was, therefore, given that the Bill would be passed this Session; but it had not been carried out. The Limitation of Costs Bill and the Registration of Voters (Ireland) Bill were both on the Paper for to-morrow, and the right hon. Gentleman proposed to seize that day. The Prime Minister had said that the House had been engaged on the Land Bill for a considerable time and had only passed four clauses. The fact was that the House of Commons had been engaged on questions relating to what was called the "Sister Island"—it ought, perhaps, to be called the "Forster-sister island"—but during five months they had been able to pass only four clauses of a remedial measure, while in two months they passed what ought to be called a "Bill for imprisoning Honest Men in Ireland." If those small Bills to which he had referred were put down for a Saturday Sitting, the right hon. Gentleman would find that some of those who were said to be so exhausted were pretty lively still.

MR. BIGGAR said, he would urge the hon. Member for Mid Lincolnshire to press his Amendment, which only put the promises of the Prime Minister in black and white. Memories were sometimes very treacherous, and it was always easy to construe a pledge in a way which conveyed a different idea to one mind from what it conveyed to another. The real object of the right hon. Gentleman was to make the Land Bill as little valuable to the tenant and as valuable to the landlord as possible. As to what had been said by the hon. Member for Mayo (Mr. O'Connor Power), it was not, he thought, surprising that the conduct of the hon. Gentleman should be looked upon with suspicion, because when they saw a Government which had acted as this Government had done praised for its conduct to Ireland, no friend of Ireland could hear that praise with anything but suspicion. He did not, he added, agree with the hon. Member for Longford (Mr. Justin M'Carthy) in sympathizing with English and Scotch Members, on account of their not getting Business done, seeing that these hon. Gentlemen had given themselves into the hands of the Government for the purpose of passing a Bill which was founded upon falsehood and fraud. ["Oh!"] He did not mean that the Prime Minister knew it was founded upon falsehood and fraud; but the result had proved it.

MR. PARNELL said, he wished to refer to a passage in a speech made by the Chief Secretary of Ireland last year, with respect to the two Irish Bills rejected by the House of Lords. The question of their rejection was brought up on the Appropriation Bill, and it was suggested that the Registration of Voters Bill should be tacked to the Appropriation Bill, and sent back to the Lords in that shape. The Chief Secretary on that occasion pledged the Government very distinctly that they would take up, at least, the Registration Bill next Session, and endeavour to take up the Limitation of Costs Bill. That, in his opinion, amounted to a distinct pledge that the Government would use their best exertions to get those two measures passed.

SIR WILLIAM HARCOURT said, it was perfectly true that his right hon. Friend, on behalf of the Government, expressed his great regret at the miscarriage of those two Bills in the House of Lords. It was the desire of the Government then, it had been their desire since, and it was their desire now, to have forwarded those Bills and seen them passed. But if anybody would cast his recollection back to the history of the last six months, he would see that the Government could not be blamed for not bringing forward measures of secondary importance. And when the House considered how English and Scotch Business of the highest moment had been entirely put aside in order to bring forward great Irish measures—[*Cries of* "Oh!"] The hon. Member did not consider the Irish Land Bill a great Irish measure; but the great majority of the Irish people did. But, whatever might be the opinion formed of that measure, it occupied the whole of the Session. ["No!" *and* "Coercion!"] At all events, the complaint that would be made against that Parliament in that Session would not be that it had given too little time to Irish measures. Therefore, though it was perfectly true that his right hon. Friend did express his desire to bring forward those measures to which the hon. Gentleman had referred and to have them supported by the Government, everybody would see that the course which Business had taken made it impossible. He did not desire to raise any dispute at this moment; but if the Irish Business had passed more rapidly, those measures would have had an opportunity of being entertained before now. Therefore, to make a charge of breach of faith against the Government on that head was a thing which the majority of the House would not entertain.

MR. EDWARD CLARKE said, after what had been stated by his hon. Friends on that side, he would not have interposed were it not from a strong sense of duty. The question, which had been debated fairly enough, was that of the operation of the Resolution proposed by the Prime Minister. But the go-by had been given to a great extent to the larger question at the bottom of that discussion—namely, whether it was worth while, at that period of the Session, to forward the Land Bill in the state in which it was proposed to the House? The Prime Minister had understated the position in which the House found itself. After 13 Sittings in Committee, it was not right to say with self-congratulation that four clauses of the Bill had been passed, for two of those clauses were to re-appear on the Report, one of them in a new form, so that it would have to be discussed, and the other with a sub-section, which was practically a new clause, and requiring new discussion. The Land Bill was really three Bills in one, and he was not at all satisfied that the Government, even with the time given to them, would be able to push the Bill in relation to labourers' holdings, and that with respect to emigration, through the House. He would suggest that the Irish Land Question would best be dealt with by adding one clause to those already agreed to, declaring that every tenancy existing at the beginning of this year or hereafter to be created should be a statutable tenancy for 15 years, subject to the conditions contained in the Act. This would relieve the House from present embarrassment and get rid of the main difficulty, which was the constitution of the Court.

Mr. T. D. SULLIVAN said, he must congratulate the Home Secretary on the possession of a wonderfully convenient memory. The right hon. and learned Gentleman managed to remember what he pleased and to forget all he did not choose to remember. It was impossible for the Irish Members to relax their opposition to the Coercion Bill; and, therefore, the Government themselves were responsible for the loss of time and the sacrifice of Irish and Scotch measures which had been the consequence, and it was useless for them to attempt to shift the responsibility on to the shoulders of the Irish Members.

Mr. T. P. O'CONNOR said, he wished to call the attention of the House to the declaration made by the Secretary of State for India on September 2, 1880. The noble Lord then said—

> "I understand from what was stated yesterday that the desire of the hon. Member for the City of Cork (Mr. Parnell) and his Friends was to obtain some expression of opinion from the Government as to the action taken by the House of Lords in relation to a certain Bill, and to endeavour to obtain a binding pledge from the Government that they would do their best to pass the Registration of Voters (Ireland) Bill into law. On that subject I believe there is very little difference of opinion between the hon. Member and Her Majesty's Government."—[3 *Hansard*, cclvi. 1060.]

The House, too, would not soon forget the language applied by the Chief Secretary to the Lord Lieutenant in condemnation of "the hereditary Chamber" for their rejection of the Registration Bill. The Government were, therefore, pledged to do something for that Bill, and he hoped they would still introduce such a measure.

Mr. W. E. FORSTER said, he quite admitted that the Government were pledged to support a Registration Bill and also a Limitation of Costs Bill; but, of course, Bills differed in their degree of importance, and the Land Bill necessarily took precedence of all others. At the same time, the Government would be prepared to give their support to those two measures, if the hon. Gentlemen who had charge of them would proceed with them. He did not even yet despair of seeing them carried.

Question put, and *agreed to.*

Main Question put, and *agreed to.*

Ordered, That, on and after Wednesday next, the several stages of the Land Law (Ireland) Bill have precedence of all Orders of the Day and Notices of Motions, on all days when it is set down among the Orders, until the House shall otherwise determine.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [FIFTEENTH NIGHT.]

[*Progress 27th June.*]

Bill *considered* in Committee.

(In the Committee.)

Part I.

Ordinary Conditions of Tenancies.

Clause 5 (Repeal of part of s. 3 of Landlord and Tenant (Ireland) Act, 1870, and enactment of New Scale).

Mr. FITZPATRICK, in moving in page 5, line 26, at the beginning to leave out from "there" to "land" in line 37, both inclusive, said, that the tenants who accepted this clause of the Act of 1870 did so with their eyes open; and he, therefore, objected to the new and increased scale of compensation which the clause now provided. It would increase the maximum very largely, and, by placing the new tenants under the new scale, it would inflict a very large loss upon the landlords. He would instance a case to show how the purchase of the tenant right would be affected. Supposing that a man bought a farm under the Act of 1870 at a valuation of £100, taking one-third more as the real valuation above Griffiths', the value would be about £130; and the landlord, if he wished to evict the tenant, would have to pay £130, or one year's rent. If the full maximum was awarded, he would have to pay £250; but now, under the new scale, he might become liable to pay the sum of £390. He had always been under the impression that the scale laid down was to enable the tenant to go out of a farm with capital in his possession, and he was not at all unwilling that the scale secured by the Act of 1870 should still be retained. But he saw no reason why they should increase the scale of money compensation towards tenants who held farms of above 100 acres in extent. In many cases the tenant was actually a richer man than the landlord himself, and to improve the new scale would be to penalize the landlord to a very considerable extent. Of course, the smaller tenants were more at the mercy of the landlords; but the large tenants were perfectly able to make a contract and to look after their own interests in the best possible manner. Therefore, it would be most unjust to bring in this new scale of compensation in regard to the larger farms, and he was very anxious to know what the reason of Her Majesty's Government was for proposing this change. He took the text of this Land Bill to be the Bessborough Commission, and, turning to the Report of that Commission, he found that in Ireland there were 32 County Court Judges, but only 10 of them were examined as witnesses, and only three of those asserted that the scale was too low. The other seven were of opinion that the scale was fairly reasonable; and it was not the practice even now to award the maximum. Mr. Darley said—"I think the scale of payments is fair and reasonable, and in only two cases did I award the maximum." Mr. Burgess said that, in the case of capricious eviction, a higher amount would probably be awarded; and Mr. Greer stated that he had never found it necessary to award the maximum.

THE CHAIRMAN: I wish to point out to the hon. Member that, if we take this proposal, and if he intends to submit it as it appears on the Paper, the effect would be to leave out a large portion of the clause, and to leave the rest without any meaning at all. The hon. Member proposes by another Amendment to leave out another part of the clause; and, therefore, practically, he proposes to negative the clause altogether. This, however, is not the right place to do that; but when the question is proposed that the clause shall stand part of the Bill, it will be perfectly competent for the hon. Member to object to that Question and to negative the clause. But his present proposal, considered in connection with his future Amendment, is to destroy the clause without substituting anything for it.

MR. FITZPATRICK said, he had intended to alter the Amendment slightly, and to propose the insertion of different amounts in the Schedule.

THE CHAIRMAN: There is nothing to show that that is the intention of the hon. Member, and unless he alters his proposal altogether, I cannot put the Amendment, because it practically destroys the whole clause.

MR. FITZPATRICK intimated that he would withdraw the second Amendment.

THE CHAIRMAN: If the hon. Member withdraws the second Amendment without also withdrawing this, he will leave the whole clause nonsense.

MR. FITZPATRICK remarked that, if he was out of Order, of course he would submit to the ruling of the Chair.

THE CHAIRMAN: If the hon. Member will hand in a new Amendment, I will inform him whether it is in Order or not; but at present it would be impossible to put the Amendment which stands in his name on the Paper. The hon. Member will be perfectly justified, when the clause is called, in objecting to it and in refusing the whole of it; but, at the present stage, such a course would not be in Order.

Mr. GIBSON said, he had now to submit an Amendment to the Committee —namely, to insert in page 5, line 26, after the word "repealed" the words—

> "In relation to every tenancy to which this Act applies, and which has not become subject to a statutory term."

The Amendment he had to submit was practically raised in a slightly different form from that of his hon. Friend; but it altogether raised the question of the policy and principle of the clause. He himself was opposed to the entire clause, and he should vote against it at the end. He thought it right to say this at the outset. He was of opinion, with great deference to Her Majesty's Government, that the clause was an entire mistake, and that it was quite out of place. He thought it was illogical and opposed to the remaining portions of the measure; and that, as a matter of fact, it was entirely unsupported by any principle on which any scale of compensation for disturbance was originally applied by the Act of 1870. That Act provided that it was desirable and expedient, under the then circumstances of Ireland, to give an opportunity to the minor and smaller class of tenants—it being supposed that the rich tenants were able to take care of themselves—to give to the smaller class of tenants with small rents and small valuations something in the shape of compensation when they were dispossessed of their holdings, so as to enable them to seek new homes. That was the principle which underlaid the whole of the legislation of 1870. It was necessary, however, to look at clauses sanctioning claims for disturbance with great jealousy, because they knew that what was the avowed intention of the Act of 1870 had been largely departed from. As the Prime Minister put it last night, it was not perceived by anyone during the passing of the Act of 1870 that the foundation of tenant right was being laid. The House was not only unconscious of what it was doing, but the object of the Land Act of 1870 was to fine the landlord on eviction.. The case was very different now. They were now giving to the tenant the right of selling the tenant right. It was necessary, therefore, to scrutinize with great care any advance in this direction; because they might be told five or ten years hence that what was not intended now, by the logical sequence of facts, had become the further basis of an advance of tenant right. This Bill was a Bill to amend the Act of 1870—not by restoring the intention proclaimed in 1870, but by enforcing, as a matter of new law, what was disclaimed as being then the intention and foundation of the Act. All the speeches in support of the Bill were based on the necessity of giving some security for the tenant's tenure. This might be accomplished in two ways, each absolutely and strictly independent of the other. It might be done by breaking all contracts and converting all tenancies into tenancies of 15 years, with the power of renewal; or it might be done by increasing the scale of compensation for disturbance, and so checking evictions. The first mode of action was a substantial interference with all the existing contracts from year to year, as its effect was to expand the tenants into tenants for 15 years. That was the *modus operandi* adopted in regard to the present Bill; and he ventured to think that in making this great change in favour of the tenants, and in giving them this great statutory security, it would be illogical and out of place at the same time, and in the same Bill, to go back upon the 3rd section of the Land Act of 1870, and increase the compensation for disturbance. In point of fact, he thought, if this Bill became law, there would be little or no scope for the operation of that section, and that, practically, the scale for disturbance would be very little applied. He believed that that was the opinion of almost everyone who had carefully studied the Bill. How would this section affect the future? He failed to see the necessity of putting in a strong section for the development of a very objectionable principle, when they were unable to show that it would have anything like a large practical operation. He would ask the Committee to consider how this section could be imagined by anyone to have any operation upon the different classes of tenancies which might by possibility come under its operation. He did not propose to criticize the various Amendments which followed his; but there was one point which he thought was important in connection with this clause, and it was that it dealt with rent and not with rating. If one thing had come out overwhelmingly clear in all the Commissions it was this—that the valuation had been proved conclusively to be a wholly untenable and unreasonable test. Therefore, he thought the Government were quite right in taking the rent rather than the rating. As to tenancies, there were two broad classes of tenancies to which, by a possibility, this new scale might apply. What were they? The ordinary tenancies were the tenants who would practically have declined to avail themselves of the Bill—tenants who had abstained from asking for a statutory term, or from having a judicial rent fixed. He admitted that eviction was possible by a notice to quit; but a tenant of one of these ordinary tenancies would have the remedy in his own hands. He could invoke the other machinery of the Bill, and could apply at once for the other equities which were provided for him in the Bill. In other words, he need not go, but could have his rent measured if he thought it unreasonable, and have it fixed as a fair rent, and thus have his tenancy turned into a statutable term of 15 years. Consequently, the remedy was in his own hands if he did not wish to be evicted. Then, what was the necessity that existed for this clause? He had so framed his Amendment to leave ordinary tenants who had not got statutable terms the benefit of the scale that might be adopted; but as to the other classes of tenants who might come under the operation of the new scale, he thought they would have no right, in reason, or in common sense, or in justice, to have any scale at all. Now, what was the position of a tenant with a judicial rent and a statutable term? He was a man who could not be evicted capriciously. Capricious eviction was absolutely out of the case. A man with a statutory term was subject to statutory conditions, and within the four corners of those statutory conditions they would find contained every single right of the landlord to evict. What would be the probability of the tenant of a statutory tenancy invoking the aid of this increased scale for disturbance, and where would be its justice? He could only be evicted on a notice to quit for the breach of a statutory condition. What were the statutory conditions? He need only mention two or three of them. A tenant could only be evicted by his landlord on notice to quit for breaches of three broad statutory conditions, every one of which went to his ordinary, decent, quiet conduct as an ordinary tenant. The first of these was if the tenant had persistently committed voluntary waste. Now, what right had a tenant, who persistently insisted upon committing voluntary waste, to get damages for disturbance on any scale? The next case was where a tenant persistently obstructed his landlord in the execution of his usual and necessary rights. Again, he asked where was the right of a statutory tenant to persistently obstruct his landlord in the performance of his usual and necessary rights, and then to invoke the aid of a scale for disturbance? The last case was where the landlord had been compelled, owing to the sub-division and sub-letting of the holding, committed by the tenant in clear breach of his statutory obligations, to invoke the aid of the Bill in order to obtain his legal rights. There, again, what right had the tenant, who, contrary to the law, sub-divided and sub-let the holding, and thereby contravened the clear statutory condition—what right had the tenant to receive one farthing upon an increased scale of disturbance? There was one other point he might mention by way of illustration. In Clause 13 of the Bill power was given to the landlord, on breach of the statutory conditions, to serve notice to quit, and to evict the tenant if the tenant did not elect to sell. But they were told that it was the intention of the Government, in this same Clause 13, to further favour the position of the tenant by proposing that when a tenant was served by the landlord with notice to quit for a breach of statutory conditions, he should have power to appeal to the Court not to allow him to be evicted, but to measure the amount of damage to which it was considered the landlord was entitled. What, then, would be the position of the tenant who, under this clause, would be permitted to receive the increased compensation for disturbance? He must, in order to apply for the increased scale for disturbance, have violated some one of the statutory conditions just referred to. He must afterwards, under the new statement of the Government's intentions, have failed to satisfy a Court of Equity that it was not within the landlord's right and duty to get rid of him; and he must have failed to satisfy the Court that damages would be any compensation. Therefore, the clause, as it stood, was framed on a monstrous piece of absurdity—namely, that a tenant who had failed to satisfy the Court of the justice of his proceedings should, nevertheless, compel his landlord to pay him upon an increased scale for disturbance. He did not propose to go over all these topics again. The matter had now, he imagined, been fully and fairly stated by him. He had not considered it necessary to weary the Committee by going into details upon the Amendment he had now to submit; but he had simply told the Committee shortly what his grounds were. He would repeat again, so that there might be no misconception about it, that at the proper time, when it was proposed that the clause should stand part of the Bill, he should vote against that proposition; and he did not think that there would be any interference with the scope and efficiency of the Bill if the clause were struck out. His Amendment was only directed to this point—that whatever case there might be established for giving the increased scale of compensation to an ordinary tenant, there was none whatever for giving the increased or any scale for disturbance in the case of a statutory tenant, who could only be asked to leave the holding for a breach of his allotted duties.

Amendment proposed,

In page 5, line 26, after "repealed" to insert "in relation to every tenancy to which this Act applies and which has not become subject to a statutory term."—(*Mr. Gibson.*)

Mr. MARUM said, the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had overlooked the fact that the clause was in strict accordance with the Ulster tenant right custom, which it was the object of the Government to extend by the Bill to the other parts of Ireland. By the Ulster tenant right custom, a tenant who was evicted at Common Law for the breach of conditions involving forfeiture could, nevertheless, obtain the benefit of the redemptory clause, and, under the Ulster Custom, would be allowed to sell and get the benefit of the value of the tenant right, notwithstanding that he had committed a breach of the conditions involving forfeiture. The right hon. and learned Gentleman had pointed out that there would be a less number of tenants who would come under the forfeiture, or under the operation of the provision for disturbance. That had been abundantly proved by the fact of new legislation being called for by that House. It had been abundantly proved that compensation for disturbance had been inadequate; and, therefore, it was necessary now to come to Parliament for the present measure. It had been shown that by enacting penalizing clauses such was the competition for land in Ireland that they had very little effect; and unless the measure touched the tenure it would not provide a remedy for the grievances complained of. The experience of the past had proved that the present amount and weight of compensation for disturbance was insufficient for the protection of the tenant. He understood, however, that all these questions would be more completely raised on the 7th clause by the Amendment of the hon. Member for Mid Lincolnshire (Mr. Chaplin).

Sir GEORGE CAMPBELL said, he agreed with the hon. Gentleman who had just sat down (Mr. Marum) that the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) had raised a bogey for the purpose of slaying it. He did not suppose that a tenant who had obtained a statutory term, and could not be turned out except for a breach of statutory conditions, would be entitled to compensation under the clause; but only those tenants who were compelled by their landlords to sell their tenancies. If a tenant were got rid of for a breach of his statutory conditions, he certainly ought not to be entitled to compensation for disturbance.

Mr. PARNELL said, it appeared to him that the effect of the Amendment would be to debar the tenant who once became subject to a statutory term at the expiration of that statutory term, providing he did not feel disposed to enter into a new one—the effect of the clause would be to debar such a tenant, if he became again an ordinary yearly tenant, from obtaining compensation for disturbance. From that point of view, although it was true that a tenant in the enjoyment of a statutory term would not be entitled, and could not in any way be entitled, since he could not be disturbed, the provisions of this Bill were unnecessary. Yet, at the same time, as regarded the contingency that he had just pointed out, the contingency of a tenant who at the end of the statutory term became an ordinary yearly tenant, if the Amendment of the right hon. and learned Gentleman were accepted, it would, practically, debar all such tenants from having a claim for compensation for disturbance.

MR. GLADSTONE: I have no hesitation in saying that the Government accept the general principle on which the Amendment is founded—namely, that inasmuch as under a statutory term a tenant would be evicted only for a breach of conditions, it is not necessary and it is not right that he should be able to claim compensation for disturbance. I believe that the remarks which the right hon. and learned Gentleman opposite (Mr. Gibson) has made are open to this observation — that he has mixed up together, rather inconveniently, the question whether the scale for compensation for disturbance should be increased and the question of what tenants it should be applicable to. Now, the question raised by the hon. Member for the City of Cork (Mr. Parnell), whether, in the event of resumption by the landlord, the tenant should be able to claim compensation for disturbance, is a different question; and I do not wish to say anything upon that subject now. But with regard to the Amendment, I think it is further open to the objection raised by the hon. Member for the City of Cork that a tenancy once having become subject to statutory terms, would thereafter, though it ceased to become subject to them, be excluded from obtaining compensation for disturbance. Now, I do not think that that is intended; but I have also another doubt—namely, whether that is the right way of attaining the object which the right hon. and learned Gentleman has in view. The effect of the right hon. and learned Gentleman's Amendment would be, I apprehend, to leave the old scale of compensation applicable to the present statutory term. It is quite clear that that ought not to be so; and I think it would be better that we should get rid of the Amendment at the present moment on the distinct understanding that we assent to it in principle. It is only plain justice that a man evicted for a breach of a statutory condition should not be entitled to compensation for disturbance, either under the old scale or the new; but we believe that that will be the effect of the Bill as it stands at present.

MR. GIBSON said, he had no desire to prolong the discussion. He was quite satisfied with what had fallen from the right hon. Gentleman the Prime Minister, and he would therefore withdraw the Amendment, on the understanding that the Government would draw up words to give effect to the intention expressed by the right hon. Gentleman.

MR. H. R. BRAND wished to say a few words before the Amendment was withdrawn. He confessed that he did not understand what the object of the clause was at all, and he believed that the Bill would be just as effective without it as with it. It would be unjust that an old tenant for a statutory term should be able to obtain compensation for disturbance when he was turned out for a breach of statutory conditions. The hon. Member for the City of Cork (Mr. Parnell) said the case he wished to present was that of a tenant who, having been a statutory tenant, had become an ordinary tenant. His (Mr. Brand's) answer to that was that an ordinary tenant under the Bill would be able to sell his interest, and therefore the question really came to this—In what cases would this clause relating to compensation for disturbance be operative? As he understood, it was provided by the Bill that compensation for disturbance, first imposed by the Act of 1870, should be a penalty upon the landlord for eviction. By this Bill it was constituted a penalty in perpetuity, and the tenant would be allowed to sell the value of that penalty. If the tenant had a right to sell the value of the penalty when he was evicted, why should he have the option as well of obtaining from the landlord compensation for disturbance? In what cases would it act? It could only act when the tenant was evicted, and when his rights had been run so far down that his interest which had been left in the farm had no value whatever. Why, in such a case, should the landlord be called upon to give compensation for disturbance, especially where the tenant, by breach of statutory conditions, had so depreciated the value of the farm that he was unable to sell his interest in the open market?

THE CHAIRMAN: I wish to point out to the hon. Gentleman that he is now discussing the whole clause, and not the Amendment before the Committee.

Mr. H. R. BRAND said, he bowed to the decision of the Chair; but he wished to ask the Government this question—whether the Bill would not be quite as effective without this clause as with it?

Mr. GIVAN thought the acceptance by the Government of the principle involved in the Amendment might place the Committee in an embarrassing position. He understood the concession of the Government to the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) was to depend upon the committal of a breach of statutory conditions, and that such a breach of statutory conditions was absolutely to be a bar to a claim for compensation. But might not that be converted into a premium to the landlord to seek for a breach of statutory conditions, and in that way to impose a penalty upon the tenant? As he understood the 15th clause of the Act of 1870, there was an adequate protection of the landlord, because, under the Equity Clause, the Court had power to take everything into account in calculating the scale of compensation the tenant was to receive. It was therefore open to the Court to consider everything that could be brought against the tenant, and if the tenant had been guilty of any unreasonable conduct, either in reference to dilapidations or anything else that was detrimental to the holding or the interest of the landlord, it would be brought against him when he came before the Court. Personally, he was cognizant of many claims which had been made for disturbance; and he never yet knew, except in one or two instances, of a case in which the maximum had been awarded. Therefore, if this Equity Clause in the Act of 1870 continued unrepealed for the protection of the landlord, he thought it exceedingly dangerous that the Government should now commit itself to any undertaking not to award the tenant compensation for disturbance, even where there had been some trifling breach of a statutory condition. He was of opinion that the landlord ought not to be afforded any opportunity or facility for improperly getting rid of his tenant.

Lord EDMOND FITZMAURICE said, he had no wish to continue the discussion, but must acknowledge that he had never read this section of the Bill as covering the cases which the right hon. and learned Gentleman opposite (Mr. Gibson) seemed to think it was intended to cover. He was glad to hear what had fallen from the right hon. Gentleman the Prime Minister, that it was never the intention of the Government to enable a tenant to recover under those vexatious circumstances. If he was not mistaken, the cases it was intended to cover were those that were mentioned in the sub-section of Clause 3.

Mr. CHAPLIN wished to have the opinion of the Chairman upon a point of Order. He had ruled just now that the hon. Member for Stroud (Mr. Brand) was out of Order because he was discussing the whole clause. He wished to know if hon. Members were to be precluded from referring to any part of the clause except those lines which the Amendment covered?

The CHAIRMAN: It is within the province of any hon. Member, by way of illustration, to refer to another part of the clause; but it is not in Order to discuss any part of the clause not affected by the Amendment until the Chairman puts the Question that the clause stand part of the Bill.

Mr. PARNELL said, he did not wish to be misunderstood upon the matter. In saying what he had just now, he was under the impression that, as the Bill stood, a tenant, when he became a statutory tenant, if he was evicted for a breach of statutory conditions, could not claim compensation for disturbance. That was his impression of the construction of the Bill as it stood. He was told, however, by some of his hon. Friends who were learned in the law that a tenant, under such circumstances, would be able to claim from the Court compensation for disturbance. Of course, if that were the case, he should not be willing to lessen the right of the tenant under the Bill.

Mr. MARUM asked the right hon. and learned Gentleman the Attorney General for Ireland whether, if a tenant committed a breach of statutory conditions, such as the non-payment of rent, he would be entitled to claim compensation for disturbance?

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the remedy the tenant would have in such a case would be to sell his holding; and if he was foolish enough not to claim a sale, he certainly could not come in for compensation for disturbance if there had been a breach of his ordinary duties.

MR. BIGGAR asked the right hon. and learned Gentleman the Attorney General for Ireland under what provision of this Bill a tenant would be authorized to sell his tenant right if he was served with notice to quit?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW): The 13th.

Amendment, by leave, *withdrawn*.

MR. PLUNKET, in moving, in page 5, line 28, to leave out from "compensation" to "and" in line 30, said, that the part of the clause which repealed the declaration of the Act of 1870, that in no case should the compensation paid to the tenant exceed £250, was quite independent of the remaining portions. The reason why he had put down an Amendment for striking out the words to which he referred in his Amendment was that neither in the Reports of the Commissioners, nor in the evidence given before them, had he been able to find any statement whatever in support of the proposal contained in this clause. He was quite unable to make out on what grounds the proposal was made to repeal that portion of the 3rd section of the Act of 1870, which restricted the amount of compensation to be paid to the tenant. All the clauses of the Land Act of 1870, all the particulars of the scale of compensation, were most carefully debated during the passage of that Act through the House. Moreover, there was very little in the Reports of either of the Royal Commissions to support any part of this clause; and, as he had said before, nothing at all that he could find to support this particular portion of it. He found in the Report of the Bessborough Commission a statement that the security given by the 3rd clause of the Act of 1870 was not sufficient, and that an alternative scheme was proposed; but when they came to deal with the suggestion that the clause should be increased in stringency, the Commissioners said that the change should be effected without placing the landlords at an unfair disadvantage in the exercise of their legitimate rights. Again, neither in the Report of the minority nor of the majority of the Richmond Commission was there any reference at all to the subject of repealing any portion of the 3rd section of the Land Act of 1870. As a matter of fact, some of the County Court Judges did say that the compensation for disturbance at the lowest grade of the scale was not sufficient; but they carefully guarded themselves from any suggestion that it was not sufficient at the upper end of the scale. But there was very little in this; and he challenged any person to show in any of the authorities he had referred to one word pointing to the repeal of this particular sub-section of the Act of 1870. The sub-section in question was not in that Act as it was originally introduced into the House of Commons; it appeared first as an Amendment to the Bill, and received the support of the Prime Minister. His argument was that there was nothing in the Reports or in the evidence submitted to the Royal Commissions to support the present clause of the Bill as repealing the particular sub-section referred to therein of the Act of 1870; that the arguments in support of that portion of the Act of 1870 remained untouched; and that, therefore, the limit of £250 should be adhered to. He was quite unable to understand why they should now be asked to repeal on any ground the sub-section deliberately and unanimously adopted in the Act of 1870.

Amendment proposed,

In page 5, line 28, to leave out from the word "and," to the word "pounds," in line 30, both inclusive.—(*Mr. Plunket.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GLADSTONE said, that, in his opinion, the non-appearance of a recommendation for the repeal of this portion of the 3rd section of the Landlord and Tenant (Ireland) Act, 1870, was no argument worth introducing into the debate. The Commission of Lord Bessborough did not undertake to re-consider the Act of 1870. It was perfectly natural that at that time there should have been a maximum for the fine on the landlord. They had now, however, to consider the just interest of the tenant in regard to compensation quite apart from the interest of the landlord, and having given the tenant the right of realizing the full value of his tenant right, the amount of compensation which he could claim ought to have relation thereto; consequently, there was no reason in fixing any limit to the operation of the scale.

Question put.

The Committee *divided:*—Ayes 235; Noes 110: Majority 125.—(Div. List, No. 272.)

MR. CHARLES RUSSELL said, he was very anxious to expedite the passage of the Bill, and should therefore be very brief in stating the point of the Amendment he was about to move. That Amendment was framed in the interest of the fair-dealing landlord, who allowed his tenants to occupy their holdings on what he should call livable terms. The Act of 1870 provided that compensation should be awarded to the tenant with reference to the loss sustained; and hon. Members would see that in the case of the tenant who held his farm on livable terms, there would be a greater interest than in the case of a man who was under a rack-renting landlord. Now, the effect of the 3rd section of the Act of 1870 was that the fair landlord was mulcted, while the rack-renting landlord was let off completely. The object of his Amendment was to rectify this inequality.

Amendment proposed,

In page 5, line 37, after "waste land," insert "and the said section three shall hereafter be read, as if from such section were omitted the words 'for the loss which the Court shall find to be sustained by him by reason of quitting his holding,' so that the said section shall be read as providing that the tenant therein mentioned shall be entitled to such compensation as the Court, in view of all the circumstances of the case, shall think just, subject to the scale of compensation hereinafter mentioned." — (*Mr. Charles Russell.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not see any objection to this Amendment of his hon. and learned Friend, although, so far as the 3rd section of the Act of 1870 was concerned, he did not see how it would practically affect the operation of the clause as now administered.

MR. PLUNKET said, he was astonished at the reply of the right hon. and learned Gentleman. He was sure he would agree that the Amendment of the hon. and learned Member for Dundalk constituted a pure departure from the construction that had always been placed upon the Act of 1870. In a treatise of the highest authority, it was clearly laid down that it was impossible to regard the damages paid to the tenant as being for anything but the loss sustained by quitting his holding. Of course, it was quite possible for the Government to depart entirely from that principle and establish that departure by means of their majority. If the Government thought fit to take that view, and alter the language of the Bill, in order to put an entirely new construction on the Act of 1870, let them do so; but let them not say that their view was the true interpretation of the 3rd section of the Act of 1870.

LORD RANDOLPH CHURCHILL said, he was unable to agree with the hon. and learned Gentleman opposite, inasmuch as he thought quite a different construction to that which he supposed would be put upon the words he proposed to introduce. If you allowed the tenant's interest in his holding to be measured by the amount of compensation, it was quite clear that his interest was larger at a low rent than at a high rent; and, therefore, great injustice would be inflicted on the landlord who let his land at a low rent.

MR. BIGGAR said, he thought that the position of the case was exactly the reverse of that pointed out by the noble Lord. The real intention of the Amendment was that the tenant should get compensation in accordance with the provisions of this Bill. It was the case in the North of Ireland, when a tenancy under the Ulster Custom was sold, that if he was paying a moderate rent the tenant received a large sum for his holding; but if, on the other hand, the tenant was under a grasping landlord, who charged him more than a reasonable and fair rent, his interest sold for a very small sum; and, if the landlord evicted the tenant, he was able to get off with the payment of a comparatively small amount of compensation. In that way the landlord received a double benefit. The Amendment was one which he should be glad to see carried out in connection with other parts of the Bill.

MR. WARTON pointed out, in reference to the observation of the hon. and learned Member for Dundalk (Mr. Charles Russell), that he brought forward his Amendment in the interest of liberal landlords, that the meaning of a fair rent was that which was fair and just to both landlord and tenant, whereas the term liberal rent implied one which was more in favour of the tenant than the landlord. A landlord who charged the tenant a liberal rent would now have to suffer in two ways—first, by the loss of rent which he ought to have had; and, secondly, by the increased sum given to the tenant for compensation because the rent had been moderate. The effect of the Amendment would be to expand the action of the Courts to an unnecessary degree. His hon. and learned Friend was perfectly aware of the doctrine of consequential damages, and they would probably find not only that the tenant was compensated for disturbance, but also for the removal of his furniture, as well as for a number of things which were not down in this 3rd section.

Amendment *agreed to.*

MR. BIGGAR said, he would now move the Amendment standing in the name of the hon. Member for the City of Cork (Mr. Parnell).

THE CHAIRMAN pointed out to the hon. Member for Cavan that the hon. Member for the City of Cork was in the House, and could, therefore, move his Amendment if he desired to do so.

MR. PARNELL said, the Amendment in his name had for its object to give tenants, especially the smaller tenants, an alternative to that provided by the Bill, so that they might elect to apply to the Court for compensation for disturbance in case of ejectment for non-payment of rent instead of selling their tenancies. The proposal was, however, one which would give rise to much contention, and to which he feared it would be difficult to get the Government to agree. Therefore, as the Session was so far advanced, he did not intend to move it.

MR. HEALY said, that anyone who had gone through the evidence given before the late Royal Commissions upon the subject of leases could not but be impressed by the way in which leases had been forced upon tenants in Ireland upon the knowledge that if the landlord gave them a lease of 31 years there would be no compensation. Instead of taking warning from what had taken place, the Government were now about to do very much the same thing as was enacted in 1870. He pressed upon the Government the desirability of considering whether that portion of the Act of 1870 which gave no compensation to the holder of a lease of 31 years should be continued. He did not know why it should be considered right that, if a landlord entered into a contract to let his land to a tenant for 31 years, the tenant should not be entitled to compensation. He begged to move the Amendment standing in his name.

Amendment proposed,

In page 5, line 37, after "land," insert "and so much of the same section as enacts that a tenant of a holding under a lease made after the passing of the said Act, and granted for a term certain of not less than thirty-one years, shall not be entitled to any compensation under the said section."—(*Mr. Healy.*)

MR. BIGGAR said, he was quite unable to understand why the Government had not paid any attention to the subject referred to by the hon. Member for Wexford (Mr. Healy), which was one of very great importance. The operation of the Act of 1870, in the case of the holders of leases of 31 years, was very unfair to the tenant, because when a tenant obtained a lease of this kind, he probably laid out money in improvements at the early part of his tenancy which would not be exhausted at the end of the term; nevertheless, the landlord got the full benefit of them without paying any compensation for disturbance. The question as to whether or not the tenant would have compensation at the end of his lease had given rise to great difficulty in Ireland. He trusted that the Amendment of the hon. Member for Wexford would be accepted.

MR. GLADSTONE: The question as to the position of lessees at the close of their leases is one of very great importance; but it is not the question we are now discussing. We are considering whether a certain section of the Land Act of 1870, which now excludes tenants under certain conditions from compensation for disturbance, shall be repealed or not. We do not see our way to the adoption of the proposal of the hon. Member for Wexford; but I may say, with regard to the question as to the future position of a lessee at the end of his lease, that it is one which we carefully reserve.

MR. HEALY complained that, whenever an Amendment was moved by Members below the Gangway, the Government always met it with the statement that they did not see their way to adopt it; while every Amendment that came from above the Gangway was argued out to the fullest extent. The right hon. Gentleman the Prime Minister had advanced no argument whatever against the Amendment. On the second reading of the Bill the Premier said the landlords of Ireland had been tried and, generally speaking, they had been acquitted. [Mr. GLADSTONE dissented.] The Prime Minister shook his head. But it was the right hon. Gentleman's invariable practice to shake his head whenever anyone made a quotation from one of his speeches. So far as his (Mr. Healy's) recollection of the Prime Minister's words went, they were these—that the landlords had been tried and had not been found wanting. [Mr. GLADSTONE: As to rents.] He supposed the right hon. Gentleman was acquainted with the evidence taken by the Bessborough Commission. He (Mr. Healy) had taken the trouble to go through that mass of evidence, and had cut out that portion of it bearing on leases. It was nearly a week's work; but he had found numberless cases where the leases had been forced on the tenants. The Prime Minister said he saw no reason for accepting the Amendment; but, in reply to this, he would tell the right hon. Gentleman that it was to be found in the evidence of his own Commissioners. Owing to the character of that Commission, the farmers of Ireland, generally, held aloof from it; therefore, it was a mere tithe of the evidence that might have been forthcoming that was to be found in the Blue Book. The Government had packed a jury of landlords, headed by Lord Bessborough, one of the most stringent, and, he would almost say, one of the most tyrannical agents in the whole of Ireland—he was on the Fitzwilliam property. This packed jury had taken the evidence; but, bad as was the Commission, there was plenty in the Blue Book it had furnished to justify the Amendment, and, unless he could get more satisfaction out of the Government, he should certainly press his proposal to a division. He desired a more satisfactory statement from the Government than that they did not see their way to accepting the Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the point raised by the hon. Member had regard to the clause in the Land Act which enabled the landlord to exempt himself from liability to pay compensation for disturbance by giving a lease for 31 years, wholly irrespective of whether the lease was fair or unfair. All these contracts which had been made during the past 10 years, however fair they might be, were alike included in the Amendment of the hon. Member. This, he was sure, the hon. Gentleman would himself see would be extremely unjust.

MR. SYNAN said, he had presented several Petitions to the House on the subject of leases, and the prayer of all of them was that the matter should be referred to the Commission, and not that the section of the Land Act should be repealed. If the Government made up their minds to refer all these leases to the Commission, no doubt the Commission would see justice done; but it would be a monstrous thing to repeal the section of the Act of Parliament, and thereby put fair leases and unfair leases on the same level. If there were no leases of this kind the Commission would find it out and set people's minds at rest; and if there were such leases justice would be done.

MR. MARUM appealed to the hon. Member for Wexford (Mr. Healy) to withdraw his Amendment.

THE O'DONOGHUE said, that when the Land Act of 1870 was passed leaseholders in the North of Ireland were not allowed, on the expiration of their leases, to claim tenant right; but since then that privilege had been conceded to them under the Ulster Custom. He thought his hon. Friend might reasonably claim an equal privilege for leaseholders in other parts of Ireland under the 3rd clause.

MR. BIGGAR said, he could not support the statement of the hon. Member for Tralee (The O'Donoghue). He knew cases in the North of Ireland where no allowance was given in the shape of the Ulster Custom to tenants at the end of their leases. No allowances were given on the Marquess of Donegal's estate, for instance. The Bill proposed that a tenant-at-will should have a statutory term—that was to say, that he should have his rent fixed for a period of 15 years. If a lease had been given in 1870 for 31 years there would be 20 years to run, or five years longer than the statutory term which would apply in the case of a tenant who took his holding after the passing of the Bill. In the one case the man would have to wait 20 years for compensation if he were to be turned out; whilst, in the case of the tenant-at-will, he, under similar circumstances, would get compensation at the end of 15 years. The tenant-at-will, therefore, would be better off than the leaseholder. He could not agree to the suggestion of the Government that they should depend on the chance of some clause being hereafter introduced to meet the cases in question. They should not allow this unjust law to continue. If they waited for a new clause, it might be pushed through the House without proper consideration, and might clash with the other provisions, with the result of making the matter worse than it was at present.

MR. MACFARLANE said, there were a great many Amendments lower down touching the question of leases. He himself had one, which proposed to transfer the matter to the decision of the Court. Such an Amendment as that ought to satisfy the hon. Member; therefore, he hoped the Amendment would not be pressed to a division.

MR. PARNELL said, the question involved in the Amendment simply amounted to this—whether a tenant, at the expiration of a lease, should be a present or a future tenant. The question was to be discussed later on; therefore, he thought it would be better to put off the Amendment. He was speaking, of course, under the impression that what he had stated would be the effect of the Amendment of the hon. Member. Of course, a tenant holding a lease could not be disturbed until the expiration of his term. By the Bill, as it at present stood, a man would become, at the expiration of his term, a future tenant, without a future tenant's right. The hon. Member sought to convert him, indirectly, by his Amendment, into a present tenant. The Amendment should be postponed until the clause dealing directly with the question was under discussion.

MR. GLADSTONE said, he had not been aware at first of the full scope of the Amendment. He was surprised that the hon. Member should have thought of proposing that which, if carried, would amount to a direct breach of faith.

MR. HEALY protested against the tone of the right hon. Gentleman. Of course, he should not press the Amendment after the discussion which had taken place; but, at the same time, he must point out that there was no breach of faith in the matter, or none that was not reasonable and precedented. Was it not a breach of faith against the Act of Union when the right hon. Gentleman passed the Irish Church Act? He did not mean to insist on the Amendment; but he was decidedly of opinion that where leases had been forced on tenants—and there were hundreds of such cases—the tenants should receive compensation for disturbance. He did not believe there was a landlord in Ireland who, since 1870, had given a lease to a tenant at a low rent. They had all exacted the full value of the holdings from the tenants.

Amendment, by leave, *withdrawn.*

MR. CHARLES RUSSELL said, he had an Amendment to propose, part of which was merely nominal, and part of which was substance. The Bill stated that the compensation payable under Section 3 of the Landlord and Tenant (Ireland) Act, 1870, should be—

> "Where the rent is under thirty pounds, a sum not exceeding seven years' rent; where the rent is under fifty pounds, a sum not exceeding five years' rent; where the rent is under one hundred pounds, a sum not exceeding four years' rent; where the rent is one hundred pounds or upwards, a sum not exceeding three years' rent."

The clause, on the face of it, proposed to increase the scale of compensation for disturbance. He did not suppose the Government meant that to be illusory, although it seemed to him that the provision, as it stood, would have that effect. He did not know why the clause had been framed in this way—why the test had been changed from valuation to rent—but, when he had heard the explanation, he would, with regard to his Amendment, take that course which seemed to him to be expedient.

Amendment proposed,

In page 5, line 40, leave out from "holdings," to end of Clause, and insert "valued under the Acts relating to the valuation of rateable property in Ireland at an annual value of—

1. Thirty pounds and under a sum which shall in no case exceed seven years' rent;
2. Above thirty pounds and not exceeding fifty pounds a sum which shall in no case exceed five years' rent;

3. Above fifty pounds and not exceeding one hundred pounds a sum which shall in no case exceed four years' rent;
4. Above one hundred pounds a sum which shall in no case exceed three years' rent."—(*Mr. Charles Russell.*)

Mr. GLADSTONE said, that, with regard to the formal portion of the Amendment, he was obliged to the hon. and learned Member for correcting an error in the drafting—an error which had been observed by several persons. He would state the reasons which had guided the Government in framing the provision. They had altered the figures in the scale in such a way as considerably to extend the limits upwards; but, at the same time, they had changed the test by which the classes were divided from valuation to rent. His hon. and learned Friend asked why that change had been made? This was the reason. At the time when the Act of 1870 was framed the rents of Ireland were so extremely unequal that it would have been impossible to found a scale on them. By basing the scale on the rents they would have given the landlord an inducement, which he would have had no difficulty in acting upon, to raise the rents. This ought to be a conclusive proof of the object of adopting the test of rates in 1870; but, since the Act of 1870, two changes had taken place. One was the change, not yet effected but contemplated, in the present Bill, a change the principle of which had received the approval of the House—namely, the power to be given to the tenant to obtain the fixing of a judicial rent. This, it was hoped, would do much to secure an approximation to equality in the rents of Ireland, so that they might safely assume, not that they would be absolutely equal, but that the range of their variation would be greatly contracted. Rents, therefore, would be a much better test than they were 10 years ago. Again, there would not be that inducement to the landlord to raise his rent for the purpose of taking the holding into a class where the amount of compensation would be measured by the small number of years' value given. The landlord would not be able to raise his rent without serious consequences ensuing. Then, as to valuation, they had also had considerations to take into view. In the first place, when they adopted valuation as a basis in 1870, the subject of valuation had never been one which was critical in a political sense. No attempt had been made to associate valuation with rent, or to exhibit valuation to the country as the measure of the rights of the landlord. They, undoubtedly, felt that it would be a more serious matter to trust to valuation now than it was then, from that point of view alone. And, besides that, they had clearly exhibited to the world the fact that valuation itself was extremely unequal. He would put it in this way—that the valuation, under the present Valuation Acts, as it now existed, was likely to be much more unequal than rents. In 1870, they looked upon valuation merely as a Treasury question, and they used to look forward from year to year to bringing in a Bill which would adjust the question. Since then the valuation of Ireland had become a much more serious question; and, at the present time, he did not see his way to rectify it or bring in any Bill whatever in regard to it. Therefore, under present circumstances, the Government were convinced that the rent test would be much more simple and equal than the valuation test was likely to prove.

Mr. CHARLES RUSSELL said, he did not intend to press the part of his Amendment which was objected to by the Government.

Mr. LITTON considered that an important question was raised by this Amendment in regard to the dealings of those landlords who raised their rents beyond the valuation as compared with those who, from generous motives, allowed them to remain at the valuation. There was no doubt that the landlord who had raised his rent and so brought it above the first step in the scale would get off with five years' compensation, under the Bill, as against seven years in the case of the landlord who had not raised it. He, however, was very much impressed with the arguments which had fallen from the Prime Minister; and, therefore, he did not propose to delay the Committee on the subject. Still, there was a provision which ought to be inserted in the Bill which would tend to correct the evil at which the clause was aimed—namely, a provision rendering it optional for a tenant in a higher class to claim compensation under a lower class. If this was adopted, his object would be gained.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had an Amendment on this subject on the Paper.

MR. HEALY said this scale, by which it was proposed to increase the compensation, would actually diminish it. Where the valuation was £30, and the rent £50, five years' rent would be awarded under the old scale; whereas, under the new scale, only four years' rent, or £200, would be given. Under the new scale, therefore, the tenant would get £50 less than he would under the old scale. No doubt, this was an extreme case; but such cases were to be found. He ventured to say that anyone who knew the way that rental had increased on valuation could, in a very short space of time, put his hand on at least 1,000 cases in the West of Ireland, where the valuation was £10, and the rent £30. He would ask the Attorney General what he intended to do in cases where the clause, whilst purporting to increase, really brought about a diminution of compensation?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that in cases where there was such a considerable disparity between the rent and the valuation, if the latter was approximately correct, the first alteration would be to have the rent reduced. The rent might be improperly high, or the valuation improperly low, or it might be that, at the same time, the valuation was much too low and the rent much too high. All this, however, would be corrected by the provisions of the 7th section. The Government could not attempt to deal now with valuation by bringing in a Bill on the subject.

Amendment, by leave, *withdrawn.*

On the Motion of the ATTORNEY GENERAL for IRELAND (Mr. Law) the following Amendments were made:—In page 5, line 41, by leaving out the word "under;" in page 5, line 41, after "pounds" by inserting "or under;" in page 5, line 41, by leaving out "under" and inserting "above thirty pounds and not exceeding;" and in page 6, line 1, by leaving out "under" and inserting "above fifty pounds."

MR. W. H. SMITH proposed, in page 6, line 5, to omit the words "or upwards," in order to insert "and under £150," so as to give some limitation to the amount for which compensation might be claimed. Under the Act of 1870 it was expressly provided that £250 should be the highest amount awarded, and he thought in the higher scale of compensation not more than one year's rent should be given.

Amendment proposed,

In page 6, line 5, to leave out the words "or upwards," in order to insert the words "and under one hundred and fifty pounds."—(*Mr. W. H. Smith.*)

MR. GLADSTONE would not say that this proposal was in direct contrariety to the decision of the Committee that day; but the decision of the Committee was to strike out the limit which was inserted in the Act of 1870; and the principle upon which the Government were going was that although that limitation was agreeable to the view with which compensation for disturbance was adopted in 1870, it was not agreeable at all to the view now held, because it was now proposed as an alternative form of showing the tenant's right to get money, and they could not stop at a particular point, and say that if the claim was larger than that it should not be allowed on the same scale.

MR. W. H. SMITH wished to know if the right hon. Gentleman contended that in addition to full compensation for improvements, the tenant was also to have a right to something, which was not money expended by him, not labour given by him, not capital embarked in his enterprize, but a something which should be equivalent to three years' rent in case of eviction? It seemed to him to be an extraordinary statement that tenant right, independently of compensation for improvements, should consist of three years' rent.

MR. GLADSTONE observed, that the right hon. Gentleman seemed to assume a case which led apparently to this position, that the tenant's right was confined to his improvements. The right hon. Gentleman, however, said the tenant had not paid anything for his right; but in a great many cases the tenant had paid for it—in cases, for instance, where one tenant had been evicted to make way for another. But that was not what the Government looked to. What they looked to was to secure remuneration to the tenant for his right of occupancy. If it was a desirable thing—it did not signify what he had paid for it —and persons were willing to give him a price for it, then he ought to be allowed to secure such remuneration. That was not the question now before the Committee; but if the tenant was allowed to secure by the present Bill his right of occupancy, they ought not to prevent his getting remuneration when the property reached a certain value.

Mr. GIBSON wished to mention a minor, but important, point to which the Prime Minister had not referred. Every single scale of compensation, except the last, had a limit of height beyond which it could not pass. All the Amendment of the right hon. Member proposed was that the last scale should not be exceptional, and should not be the only one without a limitation. Take a case where the rent was, say, £100. "A sum not exceeding four years' rent" was fixed; but the next scale was not limited, and it was that which the Amendment touched. The clause read this way at present—"Where the rent is £100 or upwards a sum not exceeding three years' rent;" but was not that entirely opposed to the preceding branches of the scales? Suppose a tenant was paying £500, £600, £700, or £1,000, or even £1,500, a-year in rent, was it intended that the landlord should pay £4,500 in compensation? Either the limits were wrong in the earlier parts of the scale, or consistency required some limit now. The Amendment sought to draw a line, and say there must be a point in high-class tenancies where not more than a certain amount should be allowed. He did not pause on the figure, for every figure was more or less arbitrary, and the principle that underlay the Amendment was only raised on the particular figure put in. The clause, as it stood, would enable a man who was paying £2,000 a-year rent, to get three years' rent in compensation, which would be £6,000; but the Amendment proposed that the maximum should be £450, or three years' rent at £150 a-year. The maximum under the Act of 1870 was £250, and the maximum proposed by the Amendment was nearly double that amount. Whether the particular figure was taken or not, it was reasonable that in this scale, as in all the other branches, there should be the principle of limit.

Mr. GLADSTONE argued, that it could not be said that the tenant should be excluded from realizing his interest on account of the magnitude of his holding; but he could admit that the man whose holding was of great size might be in a condition of greater freedom to contract himself out of the Act. The Government could not, however, accept the proposal in the Amendment.

Mr. GIBSON said, he could understand the Prime Minister's argument in regard to the landlords of the higher class having the remedy in their own hands, if that freedom of contracting out of the Act would apply to all existing landlords up to a particular margin; but that was not what the Government proposed to do. They took all existing tenancies, no matter how high the figure, or who the landlord was, and applied the scale to them all, and attached this limit, *nolens volens*, to all present tenancies.

Mr. H. R. BRAND said, he considered this a very important question. A tenant of a holding paying £1,800, who was perfectly well able to take care of himself, would, if the landlord raised the rent, claim three years' rent for disturbance, and get £5,400, or three times the rent. The tenant rightly had an interest in his holding, and might sell that interest; but it was monstrous that he should not only have that right to sell, but should also be able to call upon the landlord for three times the amount of his rent.

Lord RANDOLPH CHURCHILL said, he was convinced that the Government did not intend such a result, and asked why the scale did not go on a little further? They might fix any figure; but while giving three years' rent in the case of rents of £100 or £150, they should come down to one year's rent in cases of a higher rent. He was perfectly convinced that no Cabinet Minister could contemplate giving the right to a tenant of £500 rent, which was no uncommon rent in the grazing counties in Ireland, to go to the Court on his rent being raised, and get £1,500. The Bill applied to every tenant, and how was any landlord to get a tenant to contract himself out of it? The effect of the clause could not not have been fully discussed or understood by the Government; and he asked whether the Government would undertake to change the scale, so as to make it gradually fall and approximate to the Act of 1870, in which the scale ended with one year's rent as the limit? The present provision was not only extravagant, but it was really ridiculous?

MR. GLADSTONE said, the right hon. Gentleman had raised a very important question as to the application of this clause to existing tenancies, and as there was then no further time to discuss the question, he thought Progress had better be reported.

Motion made, and Question, "That the Chairman do report Progress, and ask leave to sit again,"—(*Mr. Gladstone,*)—put, and *agreed to.*

Committee report Progress; to sit again *To-morrow.*

And it being ten minutes to Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at five minutes after Nine o'clock.

HOUSE OF COMMONS,

Wednesday, 29*th June*, 1881.

MINUTES.]—SELECT COMMITTEE—Extraordinary Tithe, Mr. Whitbread *discharged*, Mr. Magniac *added.*

Select Committee—Report—Rivers Conservancy and Floods Prevention [No. 303]; River Floods Prevention.

Committee—Land Law (Ireland) [135]—R.P.

Withdrawn—Local Inquiries (Ireland) * [53]; Landed Proprietors (Ireland) * [63]; Union Justices (Ireland) * [124].

QUESTION.

PARLIAMENT—BUSINESS OF THE HOUSE—MORNING SITTINGS.

MR. BIGGAR asked the Secretary of State for the Home Department, Whether it was intended by the Government to have a Morning Sitting next Friday, or whether the House would sit at the usual hour of 4 o'clock?

SIR WILLIAM HARCOURT, in reply, said, he understood the Prime Minister to say yesterday that for the present he intended to go on with the Morning Sittings as usual, taking both the Morning and the Evening Sittings for the Land Law (Ireland) Bill.

SIR STAFFORD NORTHCOTE: I will put a Question on the subject to-morrow.

ORDER OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

(*Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland.*)

COMMITTEE. [SIXTEENTH NIGHT.]

[*Progress 28th June.*]

Bill *considered* in Committee.

(In the Committee.)

PART I.

ORDINARY CONDITIONS OF TENANCIES.

Amendment of Law as to Compensation for Disturbance.

Clause 5 (Repeal of part of s. 3 of Landlord and Tenant (Ireland) Act, 1870, and enactment of New Scale).

Amendment proposed,

In page 6, line 5, to leave out the words "or upwards," in order to insert the words "and under one hundred and fifty pounds."—(*Mr. William Henry Smith.*)

Question proposed, "That the words 'or upwards' stand part of the Clause."

LORD EDMOND FITZMAURICE wished to say a few words on the Amendment now before the Committee. It raised a point in which he had taken some interest. He had stated, the other day, that it was not his intention to raise over again any question which had already been directly or indirectly raised. He was anxious not to prolong the proceedings of the Committee further than was necessary; but, nevertheless, the right hon. Gentleman opposite (Mr. W. H. Smith), by the Amendment he had moved, had raised a point so germane to that which he (Lord Edmond Fitzmaurice) had ventured to raise, that he felt it impossible to avoid saying one or two words. In regard to the Amendment before the Committee, to which he was bound to confine his observations, he perceived that the Government had themselves placed some Amendments upon the Paper, and it seemed to him that those Amendments were a great improvement upon the Bill. They afforded another proof of the desire of the Government to consider fairly and impartially the reasons and suggestions offered to them, from whatever part of the House they might proceed. As he understood the Government suggestion, it was in the same direction, though in greater detail, than that of the right hon. Gentleman opposite. Its object was to carry out the compensation scale in greater detail, so as not to give so very great an inducement to a large tenant—such a tenant, for example, as the one described by his hon. Friend the Member for Stroud (Mr. Brand), to make a claim against his landlord, in what might be called a vexatious manner. The Amendment of the right hon. Gentleman opposite could not be considered apart from the persons to whom it was to apply. The result of the discussion of the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) yesterday was this. It showed that the general contention of the Government was that in cases where compensation for disturbance under the 3rd sub-section of the 3rd clause was asked for, the Court should have power to award such compensation. He wished to know if he was right in his understanding of the circumstances under which this claim for compensation would arise, because the question was a very complicated one, and he was desirous that there should be no misunderstanding upon it. As he understood it, the tenant would be able to obain this increased compensation for disturbance if the landlord raised the rent, and the tenant refused to pay it. The landlord might then serve a notice to quit upon the tenant; and if the tenant did not exercise the option he had of selling the tenancy, or of going to the Court for the statutory term, but decided upon falling back on his right to compensation for disturbance, then, if he understood the matter aright, the origin of this proposition was to be found in the Minority Report of the Richmond Commission. It was stated yesterday, but he thought wrongly, that neither the Minority nor the Majority Report of the Richmond Commission made any mention of compensation for disturbance. He thought the Prime Minister would bear him out when he said that that was a mistake, and that Lord Carlingford in his Minority Report did mention cases in the West of Ireland, where the circumstances might be so unfavourable to the tenant, that the land and tenancy would fetch very little in the market; that it was desirable to prevent the tenant from being turned out upon the world with nothing at all, and, therefore, this alternative was offered to him. There were cases which occurred within his (Lord Edmond Fitzmaurice's) own knowledge, during the terrible winter of 1879, where the tenant right in some districts sank nearly to zero, and if these poor people had been turned out by an arbitrary exercise of power on the part of the landlord, they would have realized hardly anything at all, notwithstanding their right to sell. He gathered that the object of this clause was to strengthen the position of the very small tenants, and he offered no objection to it in such a case. But the circumstances would be altogether different when they came to consider the case of a large tenant, like the one described yesterday by his hon. Friend the Member for Stroud (Mr. Brand). Large tenancies were the exception in Ireland; but, nevertheless, there were large tenancies, and, under this clause, taken in conjunction with the sub-section of Clause 3, a large tenant might make a vexatious claim, and might be able to extort from his landlord a larger sum in the shape of compensation for disturbance than he would get if he went into the market merely to sell. He was not, on the whole, prepared to take an alarmist view of the effect of the sub-section; but he would suggest that it would be as well to modify the clause, and he believed that the late Home Secretary (Sir R. Assheton Cross) proposed some words in this direction which would guard the landlord against a vexatious claim. But if it was the opinion of the Government that that point was already sufficiently covered by the Bill he would be quite ready to give way. Nevertheless, it was a matter of great importance in regard to the large tenants; and he must remind the Committee that it was gone into, at very great length, in 1870, and its importance generally recognized. The limit, in regard to large tenancies, was inserted in that Act on the Motion of the Government. Lord Carlingford, who was then Chief Secretary, and had a seat in that House, moved to insert words placing a limit of £150 on the present tenancies; and when the proposal was made, his right hon. and learned Friend the present Attorney General for Ireland spoke strongly in favour of the absolute necessity of affording protection in the case of a large tenant. Lord Carlingford said—

> "Holdings above the value of £100 were occupied by farmers so independent that they were able to take care of themselves. . . . They would, however, enjoy the protection given them under Clause 4."—[3 *Hansard*, cci. 40.]

Mr. Dowse also said—

> "They were convinced that persons with holdings valued at £100, which was equivalent to a rent of £120 or £130, not only were well able to look after their own interests, but often were really more independent than the landlords themselves."—[*Ibid.* 42.]

Nobody knew Ireland better than the present Mr. Baron Dowse. He (Lord Edmond Fitzmaurice) hoped the Government would see their way to making these points more clear; and if the recommendations of the Bessborough Commission were adopted, giving the tenant a right to sell his whole holding, the present complicated machinery for providing compensation for disturbance would be unnecessary. The Bessborough Commission, after examining into the whole matter most carefully, came to the deliberate opinion that the machinery for providing compensation for disturbance was unnecessary. He hoped the Committee would look at these points very closely, and would ask themselves, either now or on the Report, whether this clause could not be struck out of the Bill altogether; and he would ask the Government, in a friendly spirit, whether it would not simplify the measure to take that course?

MR. GLADSTONE: Until I heard the last two or three sentences of my noble Friend's speech, I was prepared to agree very much with the proposition he has laid down; but in regard to what is contained in those last sentences I must record my dissent. My noble Friend says it is desirable to simplify the details of the Bill; but it is not at all correct to say that it would be materially simplified by striking out this clause. The reason why my noble Friend is induced to regard this clause as an excrescence in the Bill is that it is detached from the general framework of the measure, and that it has very little connection indeed with the general complex structure of the measure. So much for the question of simplification; but my noble Friend has himself given one or two reasons, with great clearness, which justify the Government in having, after duly considering the matter, decided upon introducing this clause. And here I will refer to an observation made by my noble Friend about the Bessborough Commission. It was really a repetition of some references which my noble Friend previously made to that Commission. He assumes that we have taken the Bessborough Commission not only as a leading, and important, but as the paramount authority in the framing of this Bill. I do not want to enter into any discussion upon that matter. We are indebted to the Bessborough Commission as well as to the Richmond Commission; but anyone who reads the Report of the Bessborough Commission will see that it is a great mistake to suppose that this Bill has been so framed as to give effect to the recommendations of that Report as they stand. In our opinion, the modifications are modifications of a serious and important character, cutting deep into the provisions of the Bill. It is quite impossible to suppose, however well the Members of any Commission may have been selected, whatever talent they may have shown, and whatever diligence they may have applied, it is quite impossible, in a question of this magnitude, both administrative and political, that the recommendations of any Royal Commission could be allowed to diminish, much less to remove, the responsibility of the Government. No doubt, they form important elements and materials in the case. In some instances, where the question was a technical question, the Commission and the Government had no opportunity of becoming acquainted with it. The Commission may have formed almost a conclusive authority; but in such a case as this the Members of the present Government, being responsible for the Act of 1870, found it impossible to shift that responsibility from off their own shoulders, or to apologize for any recommendation that we could not defend upon its own merits by saying that it came to us on the authority of this or that Commission. No doubt, the Report of the Commission was a most important element and carried great weight with it; but it could not relieve the Government of their individual responsibility. One reason for this clause, upon which my noble Friend has touched, is that in some shape or other it was essential to provide protection for the rights of the smaller tenants.

Lord EDMOND FITZMAURICE said, what he meant was this. He was not proposing to repeal any part of the Act of 1870; but he was alluding to the change of the scale introduced by the clause.

Mr. GLADSTONE: If my noble Friend does not propose to repeal the clause of the Act of 1870, I do not see what becomes of the question of simplification. So much in regard to the smaller tenancies. In my opinion, the necessity is urgent for making some provision for the lower grades of tenancies, in reference to compensation for disturbance. With regard to the higher grade of tenants, I have already mentioned the main consideration which weighed with the Government in determining to introduce this clause. Undoubtedly, the effect of the very sharp and rapid descent in the rate of compensation, as was the case under the Act of 1870, was to throw many men of influence into the ranks of agitation for a change of the Land Law; and we thought it material, if it could be shown that the compensation in some of these cases was a very inadequate compensation, to remove that temptation out of the way. But it is impossible to abandon the principle of compensation for disturbance, and it is impossible to withdraw from the Act of 1870 altogether as it is. I think the clause we now propose will be found a reasonable enactment. We have found a difficulty in the case of large tenants, and to that consideration we have endeavoured to give due weight. These are the two reasons upon which we shall defend the clause. I do not know that it is necessary to prolong the discussion upon this particular Amendment; but I hope the Committee will come to a conclusion upon the question on the clause itself.

The CHAIRMAN: I wish to point out that if this Amendment is negatived, it will be impossible to put the Government Amendments in the form in which they now stand, because they are in an earlier part of the clause. If the Government Amendments are to be put it will be necessary that this Amendment should be withdrawn and not negatived.

Mr. MITCHELL HENRY said, he thought that the observations of the Prime Minister would require very careful consideration by the Committee. He was much more concerned with small tenancies than large, and in the few observations he proposed to make he should refer to the small tenants in the first place. The Bill, as it was framed, contained the vicious principle which intercepted the good effect of the Land Act of 1870, that there could be compensation for the disturbance of small tenants. The amount of compensation proposed to be given, where the rent was £30, was seven years' rent. But there were thousands and hundreds of thousands of tenants in Ireland whose rent was not more than £4, £5, or £6, and he wished to ask the Prime Minister what compensation it would be to give to a tenant in the West of Ireland whose rent was only £5, if the landlord took possession of his holding and gave him £35 and said to him—"You must go away now by Act of Parliament, for that is the compensation that is to be awarded." It was said that the tenant might obtain the statutory term if he liked; but the statutory term lasted for 15 years, and at the end of the 15 years the tenant would be placed in exactly the same position as he was at this moment. He would have no statutory term left. [An hon. Member: He could renew it.] When the time came for renewing it the tenant would look upon the matter just as he did at this moment. In point of fact, the clause would legalize eviction on payment of seven years' rent, which, in the case of a small holding, was no compensation whatever.

The CHAIRMAN: The hon. Member is now going back to a previous part of the clause. We are now upon the 5th line of the clause.

Mr. MITCHELL HENRY said, he thought that the Prime Minister spoke in reference to the general bearing of the clause.

The CHAIRMAN: The time for a general debate upon the clause is when it is proposed that the clause should stand part of the Bill. The noble Lord the Member for Calne (Lord Edmond Fitzmaurice) made one remark upon the general question which I thought at the time was irregular. It is quite irregular to discuss the clause generally now.

Mr. MITCHELL HENRY said, he would bow to the ruling of the Chair and would discontinue these observations; but, at the same time, he could not understand why the noble Lord should be permitted to refer to the general question and that he (Mr. Mitchell Henry) should not. The matter was a very important one, and, as he understood, they were really debating the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson).

The CHAIRMAN: No; the Amendment now under consideration is the Amendment of the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith).

Mr. T. P. O'CONNOR said, he had been of opinion that it was necessary to watch the course of the Government in reference to this clause, and, therefore, he had come down to the House early; but he had certainly had no anticipation that they intended to make another change of front. He had understood the Government to say last night that the largeness of the tenant's farm did put him in a superior position to that of a small farmer in regard to a question of contract, but that it made no difference in respect to a claim for compensation. He wished to know how the right hon. Gentleman would be able to reconcile his statement last night, that the largeness of the farm did not alter the position of the farmer upon the question of compensation, with the change of front which he now made? The right hon. Gentleman, adverting to a very sensible observation made by the noble Lord the Member for Calne (Lord Edmond Fitzmaurice) that in many parts of Ireland, owing to the distress of 1879, the tenant right of many of the small farmers came down to zero, gave his assent to that proposition. A man who was forced into a sale, under those circumstances, would be practically left without any compensation for his interest, and, at the same time, would be deprived of his farm. But if a large number of the small farmers of Ireland had had their tenant right reduced by bad times to zero, how could the right hon. Gentleman reconcile that proposition with the proposition made nightly by the Chief Secretary for Ireland that most of the tenants who were being evicted were justly evicted? He knew that the right hon. Gentleman was not accountable for the assertions of the Chief Secretary. He would be very sorry if the right hon. Gentleman were; but he should certainly like to see him make some attempt to reconcile this proposition with the Chief Secretary's assertions. Judging from the course the Government were pursuing in reference to this clause, he had arrived at the conclusion that the Conservative Party had only to consume a certain amount of time, and to get a little encouragement from Members on the Whig Benches, in order to induce Her Majesty's Government to surrender almost everything at discretion. He had no sympathy with the difficulties of the Prime Minister. All that the right hon. Gentleman had to do was to stick to his original proposition, and his obedient and obsequious followers would have taken his word as gospel, and, with the exception, probably, of one or two Whig Members, would have followed him into the Lobby like a flock of sheep. He often asked himself how it was that the Whig Members sat behind the right hon. Gentleman? [*Cries of* "Question!"] He concluded from these interruptions that the Whig Members did not altogether relish his remarks. Probably they sat behind the right hon. Gentleman for the same reason that Casca went behind Cæsar—namely, that they were able to stab him more effectually in that position. The statement just made by the Prime Minister was altogether antagonistic to the principle he had laid down last night, and should have been made in the first instance. One of the propositions raised was whether a large farmer should have a right to compensation for disturbance as well as a small farmer. The right hon. Gentleman proposed to compensate a tenant not only for the capital he had invested, but also for his right of occupancy. He (Mr. T. P. O'Connor) had been about to rise in his place and propose to ask the right hon. Gentleman the ex-First Lord of the Admiralty (Mr. W. H. Smith) if he had really been present at any of the discussions which had taken place upon the Bill; but he now found the Attorney General for Ireland coming down and placing Amendments on the Paper on behalf of the Government which amounted to an entire change of front, and were intended to cement the unholy alliance which existed between the Front Opposition Bench and the Whig Members and to disarm their hostility. For his part, he (Mr. T. P. O'Connor) was prepared to resist the proposal now made in such a manner as to make the right hon. Gentleman be cautious in future how he accepted such propositions.

Mr. GLADSTONE: I do not perceive any variation in the statement which I made yesterday and that which I have made to-day. What I stated yesterday was that the largeness of the tenant's holding would not in the slightest degree affect his title to realize his property, and by that statement I am prepared to abide now. I applied that principle in all its breadth; but there is an alternative mode of realizing property—namely, the normal mode of realizing it by sale. That is an alternative mode which, in our view, is of the greatest possible consequence to the smaller and minor tenants—to all except the larger tenants. The possession of this alternative mode becomes of very much less importance as it goes up in the scale, because the tenant right of the large tenants is more visibly manifested in permanent improvements of an appreciable kind, and although that tenant right may be depreciated by bad times, there is no apprehension that it will be brought down to anything like zero, which is not an exaggerated description of the condition to which the tenant right of the small tenants in Donegal was reduced in 1879. The hon. Member for Galway (Mr. T. P. O'Connor) charges us with a change of front. Whenever the Government make alterations in a sense which hon. Members below the Gangway do not like, and, in deference to the suggestions of Gentlemen on the opposite Bench, they are always designated "a change of front." We are not open to the same charge when we make alterations in deference to the views of hon. Gentlemen below the Gangway. [An hon. Member: You never do.] We certainly did make one when we agreed to substitute the word "ascertain" in regard to the value of tenant right, and several other points which I could mention. But the hon. Member for Galway says that we have nothing to do but to stand firmly in the presence of hon. Gentlemen opposite, and decline to accept whatever they may propose, and that the majority sitting behind us will support us through thick and thin. I feel very grateful for the loyal and steady support given by hon. Members in the delicate business of passing this Bill through Committee; but I will tell the hon. Member for Galway this—that that support would melt away and become totally unavailable if it were not for the conviction which prevails among the majority that the Government are honestly attempting, to the best of their ability, to treat every Amendment offered to us without respect to persons, and without respect to any quarter of the House from which it may come, with the single and honest desire to accept whatever may conduce to improve the Bill.

Lord RANDOLPH CHURCHILL said, the remarks of the hon. Member for Galway seemed to him to be dictated by a relentless hostility to the Government and the Bill. It was the first time that the hon. Member, or any of his Party, had got up to say a word in favour of the large tenants, whom they called "land grabbers," whom they held up to be execrated, and who were always excluded from the Bills of Mr. Butt. ["No, no!"] At any rate, that was his opinion. It was idle for the hon. Member to get up now and ostentatiously take up the defence of the large tenants who had been held up to execration all over Ireland. He would only make this remark to the hon. Member for Galway—that it appeared to him (Lord Randolph Churchill) the reason why the Government considered favourably Amendments which emanated from the Front Opposition Bench was because they knew that Members on that Bench were anxious to facilitate the settlement of the Land Question, and the reason they resisted the proposals which came from the hon. Member's Party was because they knew that those hon. Members were not anxious to promote a reasonable settlement of the question.

Mr. SHAW said, he did not think the time had arrived for totting up the losses and gains upon the Bill, and the discussion of the subject was only wasting the time of the Committee. He had watched the progress of the measure as closely as any hon. Member, and he believed that real concessions had been made in favour of the tenant, and that no concessions had been made to the landlord that would materially damage the Bill. He knew that certain newspaper organs in Ireland had spoken in a different manner; but he was satisfied that any exaggeration or minimizing of the concessions made could not, in the long run, do the slightest good.

MR. W. H. SMITH thought it might be for the convenience of the Committee if he were to state the course he proposed to take. He was not satisfied with the Amendments which had been placed on the Paper by the Government, and he intended to propose to amend those Amendments. He begged, therefore, to withdraw his Amendment, in order that the discussion might take place on the Amendments of the right hon. and learned Attorney General for Ireland.

Question proposed, "That the Amendment be, by leave, withdrawn."

MR. HEALY said, the hon. Member for Cork (Mr. Shaw) had once more appeared as the advocate of the middle course, his favourite *rôle*, and was to be congratulated upon the course he had taken. One piece of advice he would like to give to the Government, and that was that they should send their Bill to the trunkmaker's——

THE CHAIRMAN: The hon. Member is not speaking to the Amendment before the Committee. He must not speak to the general merits of the Bill.

MR. HEALY said, he proposed to speak to the Amendment. The Amendments which the Government had received had so materially altered the Bill for the worse that it should be sent to the trunkmaker's——

THE CHAIRMAN: I have already drawn the attention of the hon. Member to the fact that his observations are addressed to the general merits of the Bill. He must speak to the Amendment before the Committee.

MR. HEALY said, he did not wish to move to report Progress. He only wished to express his opinion on the conduct of the Government. Last night they took up a position of direct antagonism towards the Amendment of the right hon. Gentleman the Member for Westminster (Mr. W. H. Smith), and this morning they had practically accepted it, acting very much like the lady who

> "Vowing she would ne'er consent—consented."

Yesterday he showed the Government that to the small tenants, whose cause the Government seemed to have so much at heart, this Amendment, instead of raising the scale of compensation, actually reduced it. He quoted the case of a man whose rent was £30 and whose valuation was £10, and in that case he showed how this scale would reduce instead of augmenting it. But, on the motion to decrease compensation to the large tenants, the Government displayed their sympathy for that class; and meanwhile the hon. Members below the Gangway on the other side sat mute as mice, and allowed the Bill to be frittered away. He believed that what was said by *The Standard* was true—there really was no enthusiasm for the Bill according to that journal. Not a constituency in the Three Kingdoms cared a straw for the measure, and that was proved by the attitude of English Members who let the Government do their will——

THE CHAIRMAN: Is the hon. Member speaking to a Motion to report Progress?

MR. HEALY: No, Sir.

THE CHAIRMAN: Then his observations are out of Order.

MR. MARUM said, he could not agree with the observations they had just heard, that the Bill should be reduced to a hard-and-fast line, and nothing should be yielded to argument. He did not approve of lowering the rate of compensation to the higher class of tenants. As a matter of fact, the Bessborough Commission reported that the scale of compensation outside the Ulster Custom was somewhat inadequate, and that it was frequently possible for the landlord to evict a tenant and recoup himself for the expenses of compensation, and to put money in his pocket and admit the incoming tenant at the same rent. In estimating this fair rent, the scale for Ireland was as for England, and the larger class of tenants needed protection as well as the small class, perhaps even more, for the large farmer had his credit involved, while the small tenant did not care, and could easily remove his stock. The large farmer could not make the same resistance, and, in some sense, was in a worse position, for the great rack-renter was American competition, and the American trade, extended from grain to cattle and meat, had, under the Free Trade influence, struck the large farmers severely. They needed protection equally with the smaller class.

The CHAIRMAN: I must remind the Committee that the Question just now is—"Is it your pleasure the Amendment be withdrawn?" The whole subject will come up under the Amendment to be proposed; but, at the present moment, there is nothing before the Committee but the withdrawal of the Amendment.

Mr. MACDONALD wished to make a reply to what had been said by the hon. Member for Wexford (Mr. Healy), in reference to Members below the Gangway—

The CHAIRMAN: I have already pointed out that the remarks of the hon. Member for Wexford were of a general character and were out of Order. Any reply to them would be equally out of Order.

Mr. O'SHAUGHNESSY said, he did not wish to continue the discussion; but he would make an appeal to hon. Members. They would have this very question raised by the right hon. Gentleman (Mr. W. H. Smith) in another form on the Amendment of the Attorney General for Ireland; and surely it could be discussed then, and discussion now was only preventing with fatal effect the progress of the Bill.

Mr. BIGGAR said, the hon. and learned Member seemed in a great hurry, and if the Bill were a good Bill he would join with him; but he thought the Bill was on an inclined plane, and the further it got the worse it became day by day. He did not see any real object gained in affording the Government facilities simply that they might be enabled to say at the end of the Session that they had passed something they called remedial legislation. It was the statement of the Prime Minister on the introduction of the Bill that if material alterations were made in the Bill in Committee, any large alterations, the House of Lords would say——

The CHAIRMAN: The hon. Member is not speaking to the Amendment before the Committee. The Question is —"Is it your pleasure the Amendment be withdrawn?"

Mr. GLADSTONE reminded the Committee that if the Amendment of the right hon. Gentleman were not withdrawn it would prevent the putting of the Amendment of the Attorney General for Ireland; and he asked the Committee, if a withdrawal were prevented, what possible construction but one could be put upon the conduct of those who prevented it?

Mr. HEALY, in reply to the Prime Minister, said, the only construction was that they wanted to defeat the Attorney General's Amendment, and that was their object.

Amendment *negatived.*

The ATTORNEY GENERAL for IRELAND (Mr. Law) moved, in page 6, line 5, after the word "upwards," to insert "and not exceeding three hundred pounds." It was, in the view of the Government, a reasonable proposal, that in cases where the rent exceeded £300 compensation should not exceed three years' rent.

Amendment proposed,

In page 6, line 5, after the word "upwards," to insert the words "and not exceeding three hundred pounds."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

Mr. W. H. SMITH said, he wished to amend that Amendment by substituting "two" for "three," so that the compensation of three years' rent should be limited to tenancies not exceeding £200, instead of £300, as proposed by the Attorney General for Ireland. He did so on these grounds. It was admitted that tenants of large farms in Ireland were well able to take care of themselves. It was admitted that such a tenant occupied his land, at present, subject to the conditions of the Act of 1870. He did so with his eyes open, fully knowing his own position, and that the maximum of his compensation would be £250. Under this Bill, the maximum would be raised to £600, a distinct gift, therefore, of the difference between these sums, £350, to a man who made his contract with his eyes open, under a law with which he was perfectly conversant. He could not see how a man could be entitled to this, and the sum thus transferred to the tenant must come out of somebody's pocket, who could be no other than the landlord. He could see no reason for such a transfer in favour of a man fully capable of looking after his own interest, and with perfect freedom to enter into his contract. His power was secured to him by the Act of 1870. He proposed to follow up this Amendment by substituting "three" for "five" in the latter part of the Amendment, and to provide that in no cases should the sum for compensation exceed £500, and that was double the amount the tenant would be paid under the Act of 1870.

Amendment proposed to the said proposed Amendment, to leave out the word "three," in order to insert the word "two," — (*Mr. William Henry Smith,*)—instead thereof.

Question proposed, "That the word 'three' stand part of the said proposed Amendment."

MR. GLADSTONE said, the right hon. Gentleman had fairly stated his view; but he had considered the matter with the desire to go as far as he could, and he could not again alter his proposal and make the important change proposed by the right hon. Gentleman. It was a sound policy that induced the Government to think that it would not be wise to import a rapid descent in the scale of compensation, and to leave the larger tenants in a position in which they must be struck by the great disparity in the compensation, and which would lead them to take every opportunity to disturb the country by seeking for changes in the law. As to injury to the landlord, the right hon. Gentleman very truly said the money must come out of somebody's pocket. He would not enter into that question now; but, speaking generally, it would come out of the pocket of the incoming tenant. It could only come from the landlord, by any possibility, assuming the propriety of the judgment of the Court when the conduct of the landlord was unreasonable. It was a fine that would vary from a certain maximum down to nothing, according to whether the conduct of the landlord was reasonable or unreasonable.

MR. LEAMY asked under what circumstances this fine would be imposed? It was a fine under the Act of 1870; but last night, in refusing the Amendment of the right hon. Gentleman the Member for Westminster, the Prime Minister stated it was no longer a fine, nor ought to be treated as a fine, but it was an equivalent for property taken. If that was so, there was no use in arguing against the Amendment of the Attorney General and of the right hon. Gentleman, because the Prime Minister argued conclusively against them last night. He confessed he was greatly surprised, after the speech of the Prime Minister last night, to find the Amendments of the Attorney General on the Paper. It was no longer a fine. It might have been, under the Act of 1870, a fine for capricious eviction; but it was so no longer. They were told that the Act of 1870 was to give the tenants certain interests, and the object of this Bill was to make those interests unquestionably clear, and that the landlord, if he assumed that interest, must pay an equivalent; and he asked was £300 a fair equivalent for a property rented at £100 a-year? A fair value of his interest would be something like £500. But that was beyond argument, for the Committee had the statement of the Prime Minister last night.

MR. GLADSTONE said, he thought the hon. Member could not have been in the House throughout the discussion. As to the expression, a fine upon the landlord, he had not so used it. He had spoken of the possibility, not even of the probability, of its coming out of the pocket of the landlord; and, when he said that, he added, upon the judgment of the Court upon the conduct of the landlord.

SIR GEORGE CAMPBELL regarded the position of the large and small class of tenants as altogether dissimilar, though he agreed that each were entitled to protection for their interests. But he thought it would be found that the larger tenants were under special contracts, and that they were very much on the same footing as the large tenants of England and Scotland. The scale of compensation had received careful attention from the Government, and he was not prepared to say it was other than reasonable, and he should support it.

MR. O'SHAUGHNESSY said, if the scale of compensation was meant as an equivalent and not as a fine, it would have been framed on the same principle for large and small tenants. But it was in no sense meant for an equivalent; it was really meant as a deterrent to the landlord to prevent him from evicting. As the farmer emerged from the position of peasant, and was more and more able to take part in commercial dealings, he was certainly more able to take care of himself, and there was an essential difference between small and large tenants. This compensation was never meant to be a measure of rent, nor was it intended that rent should be a measure of it; it was merely a deterrent to the landlord, which became the less necessary, as the landlord had dealings with larger tenants. There was another reflection that had some influence with him, and which he would submit to his hon. Friends. They were anxious, not merely to prevent the consolidation of land into large farms, but they were also anxious to bring about a state of things that would facilitate the sub-division of large into small farms. Looking at the proposal under discussion, it must be considered that if they rendered it more difficult for the landlord to divide large holdings, of course they diminished the chance of small holdings being created. If they imposed on a landlord a provision which, in the case of a large tenant, would be absolute forfeiture of a landlord's interest, then, *pro tanto*, they threw difficulty in the way of creating small tenancies out of large ones. That was a reflection that seemed to him of some importance. Therefore, he would not reject the principle of the Amendment of the Attorney General for Ireland; but he was bound to say that when they came to deal with tenancies with rents above £100, and under £300, he thought a sum not exceeding three years' rent was by no means an inadequate sum for compensation for disturbance.

Mr. SHAW said, the Amendment could not be claimed to be perfection; it was merely a step in the scale. If the tenant had fixity of tenure, valued rents, and liberty of sale, then compensation might be abolished. He thought it was perfectly right to give some scale of compensation; and he saw no objection to fixing a limit in the case of the large tenants, within which the Court could exercise its judgment. The evidence given before the Bessborough Commission showed that large tenants as well as small were subject to injustice; they had no power to resist. He had one case in his mind of a farmer in Cork, rented at £400 a-year, who, if ejected by the landlord, would, under this clause, get nothing like a fair compensation. For his own part, he objected to the scale altogether, and could not see the value of it in the Act of 1870. The proper way, in his opinion, was to give the Court, in the case of large tenants, a maximum within which they should grant what was fair and just. When they came to the second Amendment he should move to leave out "not exceeding £500."

Mr. PLUNKET said, he would like to say a word or two as to what had fallen from the hon. Member for the County of Cork (Mr. Shaw) with regard to the Bessborough Commission. The Prime Minister, it would be remembered, had said that the Government were not bound to rely entirely on the Reports of the Royal Commissions—either that of the Bessborough or of the Richmond Commission. Of course, no one on that (the Opposition) side of the House had ever said the Government were bound to rely on those Reports; but what had been argued by his hon. and right hon. Friends was that the Government, having adopted a great principle and policy in the Act of 1870, after very grave, and careful, and full consideration, when the time came at which it was proposed to make a great change in that Act—to alter the policy it had proceeded on, and to repeal the words of important parts of the measure—they had to look somewhere or other for a new reason and for fresh evidence on which to found the new measure by which they desired to alter their original policy. At this juncture hon. Members naturally turned to the two Royal Commissions he had named, and to the evidence obtained by those Commissions, upon which a great deal of the policy—he would not say the whole policy—of this Bill was founded. This was the extent to which he (Mr. Plunket) and his Friends had relied on the evidence and Reports of those two Royal Commissions. They had not said that those Commissions had not found that the scale enacted by Clause 3 of the Act of 1870 was not effective; but they had argued that the reasoning employed by the Commissions did not support the particular changes which the Government proposed to make; and he would say again that there was not a word in the Reports of those two Commissions or in the evidence they took that was in favour of the removal of the maximum of £250 imposed by Section 3 of the Act of 1870. But turning to what had been said a few minutes ago by the hon. Member for the County of Cork as to what was the policy recommended by the Bessborough Commission, the case stood in this way—they directed the whole point of their argument in favour of the plan they wished to have adopted—namely, one which embodied the principle of what was called the "three F's;" and when they spoke of the principle of compensation for disturbance as enacted in the 3rd clause of the Act of 1870, their whole argument was against it. It would be found by reference to the Bessborough Report that they did argue against it; and therefore it would be in vain to say that the Bessborough Commission did not go against that part of the policy adopted in the Act of 1870. But what he contended was, as he would repeat to the Committee, that neither in that Report, nor in the evidence which accompanied it, would anything be found, except in certain isolated cases, that was in favour of the limit of compensation for disturbance as fixed in the Act of 1870 being extended. It would be found that the witnesses examined, with scarcely an exception, said the only fault they had to find with the scale settled by the Act of 1870 was with regard to the small tenants. This was the case both as regarded the Bessborough and Richmond Commissions. He merely said this much in regard to the arguments that had been adduced on this question from the Reports of those two Commissions. With regard to his own opinion, he was very glad that the original proposal of the Bill with reference to the alteration of the scale of compensation was to be modified in the manner proposed by the Amendment of the Attorney General for Ireland; but he should certainly support the further Amendment that was to be submitted by his right hon. Friend the Member for Westminster (Mr. W. H. Smith). He admitted that he was unable to understand the principle on which the new scale of compensation was to be applied.

MR. GIVAN desired to say a word or two on this question. In his opinion, both the Amendment of the right hon. Gentleman the Member for Westminster and that of the Attorney General for Ireland were unnecessary; and he quite agreed with the hon. Gentleman the Member for the County of Cork (Mr. Shaw) that they would work injustice to the tenants. He begged to remind the Committee that there were many large tenants in Ireland who had occupied their farms for a great number of years, and who had continued and had improved their tenancies by their own industry and reclamation of the land; and he thought it hardly fair that men of this class should be so dealt with that they would practically be deprived of the benefits to which their own labour had entitled them. There were thousands of instances of this kind in Ireland. He would put the case of a man who had been a tenant of land rented at £90 a-year for 8, 10, 20, or even 30 years, and who, by increasing the value of the holding, had increased the rent to £100 a-year. Such a man would come under the scope of the Amendment before the Committee — indeed, he would come under the operation of the clause altogether, and, instead of having improved his position with regard to his landlord in case of eviction, he would find that he had, in reality, diminished his right to compensation for disturbance of his holding. He might suppose the case of a man whose tenancy was originally rented at £50 a-year, and who had so reclaimed 100 acres of land, the greater part of which was at first almost useless, that he had raised the value to £200 or £250 a-year, which was not at all an unusual occurrence in Ireland. Why, he asked, should such a man be put off with a compensation of £300? He held that if the principle laid down with regard to small tenants were good, it was still stronger with respect to such tenants as he had instanced. It might be said by the Attorney General for Ireland that, under the 4th section of the Act of 1870, the tenant might be entitled to compensation for reclamations; but if he had taken his holding 20 years ago he would not come under that section at all. He wished to know why a tenant who had had his rent increased in consequence of his reclamations should be deprived of his claim to compensation because of a lapse of 20 years? He submitted that the Amendment of the Attorney General for Ireland was unjust, and that the Amendment of the right hon. Gentleman the Member for Westminster was still more unjust, as creating a scale that would be unnecessarily and unjustly against the interests of the tenant, instead of providing that the landlord should pay him that amount of compensation which was reasonable.

MR. MITCHELL HENRY said, in considering the question of the compensation to be paid to the higher class of tenants, it seemed to him that the Government had forgotten one essential point, and that was, whether the tenant was or was not resident. A resident tenant, in real *bonâ fide* occupation of the soil and cultivating it himself, was equally entitled to protection, whether he paid £200 or £300 a-year, or a less sum; consequently, he thought the Amendment of the Attorney General for Ireland was not just, and he should decline to give it his support. Many of the best tenants in Ireland were those who paid rents varying from £100 to £200 and £300 a-year, and he could see no reason why the discretion of the Court should be fettered in regard to the amount of compensation they were to be awarded. But when they came to tenancies beyond these cases—to tenants who had, besides their own holdings, other farms in different parts of the country, from which small tenants had been evicted in the course of the last 20 or 30 years—he wanted to know what justification there could be for dealing with them in the same way as the tenants he had referred to? There were in Ireland tenants who paid rent to the amount of several thousands a-year. He had received, only the other day, a letter from the lord lieutenant of a county in reference to a tenant in whom the writer was interested, and he stated that that tenant paid rents amounting to nearly £10,000 a-year. Were they, he (Mr. Mitchell Henry) asked, going to give such a tenant more than one year's compensation if he broke off with his landlord? He was ready to meet hon. Gentlemen opposite and to go with them in voting against this Amendment, because he thought it was not a fair Amendment; and when they came to the higher scale he was prepared to meet them by giving facilities for breaking up large grazing farms.

MR. SYNAN said, he thought the Committee were discussing the point at issue at unnecessary length. The proposal was an Amendment to amend another Amendment, and to substitute £200 for £300 a-year. This was a narrow issue. The supporters of the right hon. Gentleman the Member for Westminster were in favour of £200, and everybody else was in favour of £300. ["No, no!"] At any rate, everybody else was in favour of rejecting £200, and he did not see what necessity there could be for further extending this debate. One hon. Gentleman who had spoken had gone into the question of compensation for reclamation and improvement of the soil; but he (Mr. Synan) was at a loss to see what that had to do with the question whether they should reject £200, which was the point now at issue. He thought they had got into some misapprehension with regard to what would happen in reference to compensation for disturbance. The fact was that almost every tenant in Ireland would sell his interest. The matter was one of election for the tenant himself, and was not really worth the time that had been wasted on it.

MR. FITZPATRICK said, the hon. Gentleman who had complained of waste of time had just made his second speech on this subject, and he did not think that such a course tended to shorten the discussion. For his own part, he did not propose to detain the Committee at any length on this subject; but he should like to direct attention to the opinions expressed by the County Court Judges, which, he thought, might be fairly cited in reply to the arguments used by the hon. Member for the County of Cork (Mr. Shaw) in favour of an enlarged scale of compensation. The statements he proposed to read, as made by the County Court Judges, appeared in the evidence taken by the Bessborough Commission, before which 10 of those Judges were examined. He found that out of those 10 gentlemen only three had stated that the existing scale was too low, while the majority had said they had never awarded the maximum amount. Mr. Trench, Q.C., who had been for 32 years a County Court Judge, said—

> "I think the maximum is very full indeed for the smaller holdings; and if there is to be a change, it ought not to be in the direction of an increase where there is not a home taken away."

Mr. O'Connor Morris said—

> "I have always thought the scale rather high. I do not think I ever awarded the maximum. I entirely dissent from the opinion that any presumption is to be made in favour of the maximum."

Now, though he (Mr. Fitzpatrick) was willing to believe and listen to the superior wisdom of the Prime Minister, the drafter and originator of this Bill, he was convinced that the opinions of practical men, who had been working for years in carrying out the provisions of the Act of 1870, were entitled to the very highest consideration, and should not be put aside without overwhelming evidence being opposed to their own.

MR. J. N. RICHARDSON said, he only wished to make one remark in reply to what had just fallen from the hon. Gentleman opposite, and that was that the Committee must be very well aware that both the tenant farmers in Ireland and the tenant-right Representatives had no confidence whatever in the County Court Judges.

MR. BIGGAR said, in reference to the charge made by the hon. Member for Limerick (Mr. Synan), that they were unnecessarily occupying the time of the Committee, he begged to say that, so far as he (Mr. Biggar) was concerned, he had not yet spoken on the Amendment. The right hon. Gentleman the Prime Minister had afforded them a good reason for being more or less in favour of the large tenants, for he had said that if the Amendment of the right hon. Gentleman the Member for Westminster were carried it would have a tendency to induce the large farmers to join the agitation at present going on in Ireland for the reform of the Land Laws, and thus to assist the Land League. However, he had not much to say with regard to the question of large tenancies, as he believed there were no large tenancies in the county of Cavan; by which he meant no large tenancies in the sense of the Amendment before the Committee—no tenancies, such as had been referred to, coming up to thousands a-year. At the same time, those with whom he acted, and whose opinions were entitled to considerable weight, were strongly opposed to both the Amendments, and for this reason. They argued—and this was the opinion of his hon. Friend the Member for the City of Cork (Mr. Parnell), whose views were entitled to great deference from him (Mr. Biggar)—that if the rate of compensation for disturbance in the case of large farms were made too low, they gave an inducement to the landlords to consolidate the small farms, seeing that they would have to pay compensation on a lower scale than in the case of smaller tenancies; and if this argument were a sound one, as he believed it to be, the result must necessarily be in favour of that tendency to consolidate small farms into large holdings, to which he and his Friends took great exception. There was another argument against these Amendments, to which he wished to draw the attention of the right hon. Gentleman the Prime Minister. The valuator, who valued the holding, must first ascertain the value of the rent, and then the interest of the tenant in the holding, deducting that interest from the gross total, so as to determine the difference to which the landlord was entitled; but if the valuation was made on the principle laid down in these Amendments, the valuers would hold that the occupiers ought to pay a substantially greater rent than before, and this would operate very injuriously to the tenants, while it would certainly be an inducement to the landlords, on the majority of the farms, to make the holdings very large. They would know that in that case, when the tenants came before the Court to have the rent fixed, it would be fixed with reference to the number of years compensation for disturbance named in the Amendments. He thought, therefore, the Amendment was far more serious than at first sight it appeared to be; because it would have a tendency to give a less sum to the tenant when dispossessed of his tenancy, and would likewise have the further tendency to induce the landlords to consolidate their small farms into large holdings, and not to allow that amount of sub-division which he and his Friends considered necessary in the interests of the tenants at large.

SIR STAFFORD NORTHCOTE: I am very anxious to save, as far as possible, the time of the Committee. I wish to state, on behalf of my right hon. Friend the Member for Westminster, what is the course he proposes to take with regard to these Amendments. We on this side of the House consider that my right hon. Friend has done very good service by calling attention to the point which is chiefly at issue in regard to this clause, and the principle for which he has contended has been ceded by the Government, though only to a limited extent, and, as we think, not in an adequate manner, so as fully to meet the difficulty to which attention has been called. The principal object of my right hon. Friend was to put a limit to the extreme fine, or whatever else you like to call it, that was to be imposed on the landlord under this clause, or to the extreme present that was to be made to the tenant by the clause as it originally stood. To a certain extent the maximum is limited by the Amendment of the Government as it stands on the Paper; but we are of opinion that the limit it will impose is decidedly an inadequate one, and that it would be really absurd and contrary to all principles of equity that there should be an extreme limit. If we are to deal with the matter as to the question what is the tenant's right, and if we are to ascertain what the amount of that right is by a reference to what was done, intentionally or unintentionally, by the Act of 1870, we then see that in no case under the Act of 1870 can a greater amount of compensation be given than the maximum of £250 which is there enacted. We say we are ready to increase that, as my right hon. Friend proposes later on, to £500, and on that point, when the proper time shall have arrived, we must take the opinion of the Committee; but, at the present moment, the question is with regard to the particular valuation of the scale leading up to that maximum. We think that the scale proposed by my right hon. Friend is better than that proposed by the right hon. and learned Gentleman the Attorney General for Ireland; but we do not intend to take up the time of the Committee by dividing on the Amendment of my right hon. Friend. We shall give our voices for the scale which my right hon. Friend has proposed, and reserve any challenge of the decision of the Committee till we come to the question of what is to be the maximum amount.

Mr. HEALY said, he believed the Prime Minister, supported by the hon. Member for Limerick (Mr. Synan) wished the Committee to believe that it did not matter what the scale was, because the tenant would always prefer to sell his interest. There was an important matter hinging on this. Supposing a man was about to be evicted, and he had to sell his interest, the landlord would probably have in his eye who the incoming purchaser was to be, and he would say—"You need not give a penny more for the holding than the Compensation Clause allows, but leave the whole matter to be arranged between us;" thus measuring the purchase money of the incoming tenant by the compensation scale. The hon. Member for Limerick had made a forcible appeal to the Government; but the views he had pressed were not those of the Irish Members generally, who considered the Government had thrown over the idea of justice with regard to the Land Question.

Mr. SYNAN said, what he had said was that the purchase money for the goodwill bore no proportion to the scale of compensation under the Land Act of 1870, and that it would not bear any proportion under the present Bill. He had known cases in which the goodwill had been sold for three, four, five, and six times the amount of compensation. These were cases in which the tenant was in a bad position, and would not be able to give information as to what he would be entitled to. The landlord would be charging him greater rent, and on each occasion he would have to come before the Court. Of course, the tenant would show that previous tenancies had sold for a larger sum. He did think the Government were acting very improperly in admitting these Amendments, and he would like again to mention the mischievous effect this would have in fixing the rent. The tenant would be prejudiced in the opinion of the Judge by the increased amount to which he would be entitled for disturbance.

Mr. LALOR said, that hitherto one of the great reasons for the extermination of poor holders in Ireland was that the landlords had less trouble in evicting their larger tenants. The effect of this Bill would be to give greater facilities to the landlord in evicting his large tenants. So far as this scale of compensatian was concerned, he was not much concerned, because he was firmly convinced, and he thought the people of Ireland were firmly convinced and determined, that landlordism on its old principle in Ireland must cease before the Land Question was settled in Ireland. They had not the slightest opinion that this Bill would go from that Committee in a manner to settle the Land Question in Ireland; but they believed that landlordism would have to cease in that country.

Question put, and *agreed to.*

Question proposed, "That the words 'and not exceeding three hundred pounds' be there inserted."

Mr. FINIGAN said, he really hoped the Committee would take a division on these Amendments. He was very sorry these alterations were to be introduced into the Bill. He thought the Government would do well to return the whole of this matter to the jurisdiction and judgment of the proposed Land Court. He found in other parts of the Bill the Government had adopted that policy; and, seeing they had had a long discussion that afternoon, they would do well to withdraw these Amendments which had been put down in the name of the Attorney General. At all events, he hoped that on a division being taken on these Amendments, the Government might be induced to re-consider its decision, and to return to the general principle of reference to the Court.

Question put.

The Committee *divided*:—Ayes 207; Noes 49: Majority 158—(Div. List, No. 273.)

Colonel ALEXANDER: I am sorry to say I intended to vote with the Ayes; but I voted, by mistake, with the Noes.

The ATTORNEY GENERAL for IRELAND (Mr. Law) moved, in page 6, at the end of the Clause, to insert the words—

> "Where the rent is above three hundred pounds and not exceeding five hundred pounds, a sum not exceeding two years' rent;
>
> "Where the rent is above five hundred pounds, a sum not exceeding one year's rent."

Question proposed, "That those words be there inserted."

Amendment proposed to the said proposed Amendment, to leave out the first word "five," in order to insert the word "four,"—(*Mr. William Henry Smith,*)—instead thereof.

Question, "That the word 'five' stand part of the Clause," put, and *agreed to.*

Question proposed, "That the words 'Where the rent is above three hundred pounds and not exceeding five hundred pounds, a sum not exceeding two years' rent;

'Where the rent is above five hundred pounds, a sum not exceeding one year's rent,' be there inserted."

Mr. BIGGAR said, it appeared to him that there were strong arguments against the Amendments to this part of the Bill. The opinion of those who were practically acquainted with the subject was against these restrictions. The idea of the hon. Member for the county of Monaghan (Mr. Givan), whose opinion on such a point carried considerable weight, was that these restrictions ought not to be put into the Bill, and that with regard to compensation for disturbance the Court should be left to decide on the evidence before it. These restrictions put a limit above which the County Court Judge could not go, but they did not fix any minimum. With regard to the last division, he might observe that a very large majority of the Irish Members voted against the contention of the Government. He thought the Government would do well to pay more deference than it did to the opinion of those who were best able to form a correct judgment on a subject of this sort.

The O'DONOGHUE said, he was as much opposed as any hon. Member could be to any concessions to the Tory Party that might have the effect of weakening the Bill. But they ought, at the same time, to consider the effect of these concessions. He did not believe that in Munster there were six tenants who paid £500 a-year rent, or that there were 12 who paid £300. In the circumstances, it was impossible to maintain that the proposal of the Government would inflict a serious injury on the farmers generally. Moreover, it should be rembered that in cases where a tenant who paid £500 a-year rent was entitled to get one year's rent as compensation for disturbance, he would also be entitled to compensation for his improvements.

Mr. BIGGAR said, the contention of those who objected to the Amendment was, not that very general harm would accrue from it, for in point of fact the vast majority of the farmers of Ireland would not be affected by it at all. They argued that the Amendment would be unjust to the particular parties who would be affected by it, and that it would induce landlords to consolidate small holdings and to make large ones of them, so as to get tenants who would not be able to obtain so much compensation for disturbance.

Mr. LEAMY said, he would move to amend the Amendment by inserting the words "where the rent is above £300, a sum not exceeding two years' rent." He submitted that this was not an unreasonable proposition to make, although he did not expect the Attorney General would accede to it.

The CHAIRMAN: The hon. Member cannot move his Amendment. I must point out that in the last Amendment the right hon. Gentleman the Member for Westminster's proposal was to leave out "five" and insert "four," and the Committee have already decided that the word "five" shall stand part of the proposed Amendment. I have now to put the Question, "That these words be here inserted."

Question put.

The Committee *divided:*—Ayes 231; Noes 31: Majority 200.—(Div. List, No. 274.)

Mr. W. H. SMITH moved to add to the last Amendment a Proviso—"but in no case shall the compensation exceed the sum of five hundred and fifty pounds." He proposed to add that on the principle of the Proviso which existed now in the 3rd section of the Land Act of 1870.

Amendment proposed,

At the end of the Clause, to insert the words "but in no case shall the compensation exceed the sum of five hundred and fifty pounds."—(*Mr. William Henry Smith.*)

Question proposed, "That those words be there inserted."

Mr. W. E. FORSTER opposed the Amendment, remarking that the matter had already been fully discussed.

Mr. GIBSON observed that the Bill obliterated certain distinctions that were made by the Act of 1870. Tenants could now make a claim, not only for compensation for disturbance, but also for every kind of improvement which they might bring under the notice of the Court. Under the Act of 1870 the highest amount which could be awarded was £250. His right hon. Friend would by his Amendment allow more than double that sum to be awarded; but he wanted the principle of a limit to be introduced. The Committee would do well to remember what the Prime Minister stated in the early part of to-day's discussion, what was stated so abundantly in 1870, and what was referred to by the Commissioners—namely, that the principle of compensation for disturbance was chiefly required for the protection of the smaller classes of tenants. Bearing this in mind, it was not unreasonable that some limit should be fixed beyond which the higher classes of tenants would not be able to get compensation.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that the only restriction in the Act of 1870, of compensation for improvements in connection with this subject, was that in certain cases of claims for disturbance there should be none for improvements other than waste land and buildings. Those between, thus left unaffected, were by far the most important and valuable improvements, so that the restrictions mentioned were more apparent than real.

Question put.

The Committee *divided:*—Ayes 106; Noes 193: Majority 87.—(Div. List, No. 275.)

Mr. E. W. HARCOURT said, he had an Amendment to propose as much in the interest of the land in Ireland, a subject that he thought had been too much neglected, as in the interest of the landlord. The chief care of the tenant had but too frequently been to get as much out of the land as possible, while very little had been put into it. He believed that in view of that circumstance Her Majesty's Government would have no difficulty in adopting the Amendment standing in his name, which he begged to move.

Amendment proposed,

In page 6, at end of Clause, add—"but shall be subject in each case to such deduction, if any, as the Court may determine to be a fair compensation to the landlord for waste by dilapidation of buildings or deterioration of soil."—(*Mr. Harcourt.*)

Question proposed, "That those words be there added."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, this Amendment was entirely unnecessary. The clause merely enlarged the scale and regulated the Act of 1870. The point raised by the hon. Member was already provided for in the 3rd section of that Act.

Amendment, by leave, *withdrawn.*

Sir R. ASSHETON CROSS said, he hoped the Amendment he was about to move would be accepted by Her Majesty's Government, because it was intended to do justice between the landlord and tenant. While, on the one hand, no one wished that the tenant should be evicted from his holding if a fair arrangement could be made with his landlord; on the other hand, no one wished that the landlord should be fined if he was able to show that he had done all that was fair and reasonable towards the tenant. Under the terms of his Amendment the landlord would have to show to the Court that he was willing to continue the tenant in his holding on perfectly fair and reasonable terms; that it was owing to the unreasonable refusal of the tenant that the terms were not accepted; and that it was quite clear on the principles of justice that he ought not to pay compensation under the circumstances. This proposal was so obviously just that he believed Her Majesty's Government would have no difficulty in accepting it.

Amendment proposed,

In page 6, line 6, at end of Clause, add "Provided always, that in any case in which compensation shall be claimed under the said section three of 'The Landlord and Tenant (Ireland) Act, 1870,' as amended by this Act, if it shall appear to the Court that the landlord has been and is willing to permit the tenant to continue in the occupation of his holding upon just and reasonable terms, and that such terms have been and are unreasonably refused by the tenant, the claim of the tenant to such compensation shall be disallowed."—(*Sir R. Assheton Cross.*)

Question proposed, "That those words be there added."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he was unable to accept the Amendment of the right hon. Gentleman. He pointed out that Clause 5 dealt with compensation as payable under the 3rd section of the Act of 1870. The claim would still be under that enactment and be subject to the provisions of that Act in relation thereto.

Mr. GIBSON understood the right hon. and learned Gentleman to say that the Amendment was unnecessary because the claim for compensation must be preferred under the 3rd section of the Act of 1870. He was satisfied with that explanation, provided it appeared plainly on the Bill; but at present he was unable to see that it did so appear. He thought this was open to question, because in the 8th clause of the Bill there was a departure from the principle of the Equities Clause of the Act of 1870. The 8th clause, at all events, differed from the Equities Clause of the Act of 1870, inasmuch as it did not include the provision which was contained in this very Amendment. Therefore, he thought that some words were necessary to say that the Equities Clause of the Act of 1870 was preserved absolutely intact, notwithstanding the alteration of the scale. In his opinion, it would be well to put in words to the effect that in case of any application being made to get the benefit of the increased scale, the landlord and tenant should be entitled to rely upon the Equities Clause of the Act of 1870. The drafting of the Bill was not clear, and he contended that before the Bill emerged from its present stage it should be made plain that the landlord should not be deprived of any of the equities intended by the Act of 1870.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Equities Clause of this Bill did not refer to claims under the Act of 1870. It referred to claims under this Bill. His chief objection to the introduction of any words of the kind suggested was that they would introduce doubts and difficulties by thus declaring that Section 8 should apply to particular cases under the Act of 1870.

Mr. PLUNKET said, he did not think that the objection of his right hon. and learned Friend the Attorney General for Ireland was quite sufficient. He (Mr. Plunket) desired that words should be introduced that would make it plain that the landlord might be protected by the Equities Clauses of both Acts.

Mr. W. E. FORSTER, said, the Government were quite clear that there was no real diffculty in the point raised, and that it was provided for in another clause of the Bill. He thought the question could be fairly deferred until that clause was reached, when, if the right hon. Gentleman was still in doubt, he could bring forward another Amendment.

SIR R. ASSHETON CROSS said, he had still considerable doubt, owing to the way in which the Bill was drafted, that the difficulty he had referred to was met by the Bill. If, however, his right hon. and learned Friend would, at a later stage, consider whether it was necessary to insert further words for the purpose of securing the object which both the Government and hon. Members on that side had in view, he should not press his Amendment.

Amendment, by leave, *withdrawn.*

MR. HEALY said, he had an Amendment on the Paper which he understood the Government were disposed to accept—namely, an Amendment for the repeal of the 13th section of "The Landlord and Tenant (Ireland) Act, 1870," which provided that where the sale of a tenancy took place without the consent of the landlord the tenant should not be entitled to compensation for disturbance.

Amendment proposed,

In page 6, line 6, at end, add "From and after the passing of this Act the thirteenth section of 'The Landlord and Tenant (Ireland) Act, 1870,' shall be and the same is hereby repealed."—(*Mr. Healy.*)

Question proposed, "That those words be there added."

MR. W. E. FORSTER said, the hon. Member for Wexford was quite right in saying that the Government were willing to accept his Amendment. The Government admitted that the drafting of the clause was inconsistent with the 1st clause of the Bill which had been passed by the Committee.

MR. GIBSON regretted that on an occasion when the Government were making a concession which was a departure from what was originally intended, no further explanation should have been afforded than that they assented to the change because the clause was improperly drafted. The Chief Secretary had announced that there had been a mistake on the part of the unfortunate draftsman; but from his (Mr. Gibson's) knowledge of the ability of the gentleman who drew the Bill, he had no doubt that, had his work been presented to the House in its integrity—before it had been subjected to mutilation by the Government—it would have been a perfectly coherent production. He objected to the withdrawal of the clause, inasmuch as such a proceeding was entirely unnecessary. He understood the argument, as stated by the Chief Secretary to the Lord Lieutenant, to be that it was a mistake not to have repealed the 13th section of the Land Act of 1870, because it was inconsistent with the 1st clause of the Bill. He (Mr. Gibson) held the contrary, and that it was only by giving to the clause an interpretation entirely inconsistent with its own provisions that it could be said to be at variance with that clause at all. The 5th clause of the Bill, then under consideration, was absolutely independent of every other clause in the Bill. If that clause was struck out, as he hoped it might be, it would not be necessary to change the drafting of a single line of any other clause in the measure; and why it had been introduced—unless it was for the purpose of creating discord—baffled his comprehension. The rights of the tenant under the Act of 1870 and under this Bill were absolutely untouched and unfettered by the 13th section of the Land Act, except in cases where the tenant expressed his desire to permit himself to be disturbed in order that he might make a claim for disturbance. The Government, by the present Bill, were interfering with the rights of the landlord in a manner and to an extent which he would not then stop to criticize; but he asked, with regard to this particular proposal, was it fair that he should be deprived of the protection which, under certain conditions, was extended to him by the Act of 1870? The words of the 13th section of that Act were as follows:—

> "Where the holding in respect of which compensation is claimed under Section 3 of this Act is held under a tenancy from year to year, existing at the time of the passing of this Act, and such tenancy is assigned without the consent of the landlord, and the landlord does not accept the assignee as his tenant, no compensation shall be payable by the landlord under the said section in any of the cases following."

Those words only applied to tenures which were in existence at the passing of the Act of 1870. The clause was, therefore, deemed necessary at the time for the protection of landlords of those tenancies; that was to say, it was not thought right, contrary to the practice of the estate, to have any new legislation with respect to them. But now upon the mere statement that it was inconsistent with the 1st clause of the Bill, the distinction was to be done away with, and the tenancies referred to were to be subjected to the drastic legislation proposed by the present Bill. But there were qualifications to the 13th section of the Act of 1870. Under it the landlord could not oust a tenant merely by showing that he had assigned the holding without his consent; the tenant must bring himself within the operation of the following sub-sections:—

"(1.) Where the rent of such holding is in arrear at the time of such assignment so as to render the tenant liable to eviction for non-payment of rent, and such arrear is due by the tenant."

He asked whether, in the case of these old tenancies in existence before the year 1870, it was not reasonable that this qualification should be maintained? If it was just then not to expose the landlords of those tenancies to the penalty of compensation, it was unjust now to expose them to the increased scale of compensation, because they had tenants liable to eviction for being a certain amount in arrear. The next qualification was—

"(2.) Where such holding forms part of an estate upon which the assignment of holdings without consent or approval of the landlord is contrary to or not warranted by the practice upon such estate."

How was that inconsistent with the present Bill? The 1st clause of the Bill gave power to the tenant to sell his tenancy, and the 13th clause allowed the tenant under notice to quit by sale to intercept eviction. The 13th section of the Act of 1870 dealt with the case where a tenant elected to be evicted, and said to the tenant—"If you are a tenant of a tenancy dating as far back as the Act of 1870, and the practice on the estate has been not to permit assignment without the consent of the landlord, you are not entitled to compensation if you assign without the landlord's consent." He asked, was it not unjust to deprive the landlord of the benefit of that sub-section? The third and last qualification of the 13th section of the Act of 1870 was—

"(3.) Where the Court shall be of opinion that the refusal of the tenant to accept such assignee as tenant is a reasonable refusal."

Was not that right? It was perfectly obvious that every section of the Land Act of 1870 had been read when this Bill was framed with the greatest precision; and he ventured to think that until the matter was started by the hon. Member for Wexford (Mr. Healy), it had never crossed the mind of any Member of Her Majesty's Government that it was fair or reasonable to repeal the 13th section of that Act. Finally, if hon. Members were sufficiently interested in the subject, and would look at the last part of the section under discussion, they would see that it protected the tenant from any trouble, inconvenience, and hardship by providing that the devolution of a tenancy by operation of law or by bequest should not be deemed an assignment within the meaning of the section. Therefore, he ventured to say with reference to the 13th section, deliberately introduced after much consideration by Lord Granville into the Act of 1870, that it should be retained; and that certainly no case had been made out for its summary repeal.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, that it was difficult to understand how any person who had read the 13th section of the Act of 1870, and compared it with the 1st clause of the Bill, could arrive at any other conclusion than that they were utterly inconsistent with each other. In order to make the limitation contained in the 1st sub-section of the 13th section of the Act of 1870 at all applicable as an argument in this case, it was necessary to connect that sub-section with the earlier words of the clause, which provided that where the holding was assigned without the consent of the landlord, and the landlord did not accept the assignee as tenant, no compensation should be payable in any of the following cases. That was, undoubtedly, a restriction on the right of the tenant to assign. The Act of 1870 said to the tenant —"If you assign under certain circumstances without the consent of the landlord, we will deprive your assignee of the right to compensation." But the present Bill said that every tenant should have the right to assign, and that the assignee should be entitled to compensation. He was quite unable to understand how his right hon. and learned Friend could say that the repeal of the 13th section of the Act of 1870 would work a gross injustice upon the landlord, seeing that the Committee had passed Clause 1 of the Bill. All the hardships he suggested were met by the provisions of the Bill.

Amendment *agreed to.*

On Question, "That the Clause, as amended, stand part of the Bill?"

Mr. GORST said, he thought the Committee were entitled to some information as to why the scale of compensation had been altered. He heard his hon. and learned Friend the Solicitor General say that had been distinctly explained yesterday; but he regarded this as one of those cases in which an answer was given, but no explanation. It appeared to be the idea of the Solicitor General that if a Minister simply rose from the Treasury Bench and said something by way of answer to a question, it was the duty of hon. Members to sit still and not repeat the question. But the idea of hon. Members on that side of the House was that they were entitled to repeat questions to Her Majesty's Government until they received a satisfactory answer; and, therefore, notwithstanding that some Minister might yesterday have made a statement upon the subject, he thought he might ask for further information which would put the Committee in possession of the reasons which had induced Her Majesty's Government to alter the scale of compensation. A remarkable incident had taken place in connection with this scale. One of the Irish Members had pointed out that, in some respects, the scale of compensation was actually diminished, and he said that by that diminution the property of the tenant would be confiscated. He (Mr. Gorst) was astonished that this doctrine should be admitted; but there could be no doubt whatever that the property of the landlord would be confiscated if the scale of compensation were increased; and he thought the Government would have shown the same horror at confiscation in one case as in the other. The present scale gave a great deal higher rate of compensation than the scale in the Act of 1870; and he thought that no one would deny that, by giving the tenant the right to claim a higher rate of compensation, the property of the landlord was diminished. Now, if the scale was intended to be an intimation to the Court with regard to the tenant's interest, he wished to know whether the increase had been made with the ulterior purpose of enhancing the deductions from the competition rent which were to be made by the Court in favour of the tenant? An hon. Member had argued that as tenants would seldom be driven to claim compensation under the Act of 1870, it mattered little what scale was established; but he (Mr. Gorst) contended that it mattered a great deal that injustice should be done in theory even if not in practice to the rights of the landlord; and, moreover, he held that this injustice would be done if the increased scale was to be an indication to the Court of the amount to be deducted from the rent.

Mr. W. E. FORSTER said, he was surprised at the remarks of the hon. and learned Member for Chatham (Mr. Gorst), because the question as to whether there should be an alteration of the scale of compensation had been debated for more than hour on the previous day, on which occasion the Prime Minister had not given a mere answer, but a complete explanation of the reasons which had induced Her Majesty's Government to propose this change. He could not think the hon. and learned Gentleman had heard the statement of the Prime Minister, or he would not have described it as a mere answer. Her Majesty's Government had been convinced by the evidencce given before the Commission that the existing scale of compensation, as a protection to the tenant against capricious eviction, was not high enough, and ought to be increased.

Mr. MULHOLLAND said, the tenants had always preferred the right of free sale as given by the 1st clause. He could not, therefore, conceive with what object the present clause had been introduced, unless it was, as had been suggested by the hon. and learned Member for Chatham (Mr. Gorst), for the purpose of laying the foundation for the definition of fair rent which afterwards followed in the 7th clause of the Bill; and certainly if that was to be given up he could not see the reason for retaining the present clause. He believed the Bill would be simplified by the omission of the clause. The Prime Minister had said that in but a few cases the money would come out of the landlord's pocket. If it was to come out of incoming tenants' pockets the best way to ascertain the price would be by sale.

There was, therefore, no reason that he could see for insisting on this clause. The Prime Minister had said that the clause would not be operative if the Court decided that the conduct of the tenant had been unreasonable. The Bill would be immensely simplified if this clause were withdrawn.

MR. CHARLES RUSSELL said, this question had been discussed at great length on the previous day, and he trusted that the matter might now be allowed to go to a division. The difficulty which had been suggested in regard to the increased scale was more apparent than real.

CAPTAIN AYLMER said, he did not think the matter had been too fully discussed. So far as he was concerned, he thought that, in the first place, the provision was entirely contradictory to the 1st clause in the Bill. In moving that 1st clause the Prime Minister had said that the right of free sale had grown out of the compensation for disturbance given in 1870. If that were so, he could not see the object of retaining it; but the Prime Minister had given another good reason why it should be omitted. Last year, when the Compensation for Disturbance Bill was under discussion, it was urged that where free sale was allowed compensation should not apply; but the Prime Minister replied that, inasmuch as the Bill was only for a year and a-half, the exception would not be effectual. In this case, however, the measure was permanent. Free sale and compensation for disturbance were to be given, and when the market value of a holding was low the tenant might be tempted to give trouble to the landlord in order to induce him to evict, when he—the tenant—would be able to claim compensation for disturbance.

SIR GEORGE CAMPBELL said, this was the only protection future tenants had. They could not apply to a Court to have a fair rent settled, and landlords might demand of them what rents they chose, and turn them out if they did not pay. As he understood it, compensation for disturbance would still be regulated by the Act of 1870, modified by the new measure. Tenants were able to contract themselves out of the Act of 1870, but they would not be able to contract themselves out of this.

MR. PLUNKET said, it had been stated that this clause had been fully discussed yesterday; but that was not the fact, because, by the Chairman's ruling, they had been forbidden to discuss it on the Amendment of the hon. Member for Portarlington (Mr. Fitzpatrick). The clause was very important; and the hon. and learned Member for Dundalk (Mr. C. Russell), although he had referred to other changes made in the clause, had said nothing about his own Amendment which had been accepted by the Government, and which in his (Mr. Plunket's) humble judgment was one of the most important changes which had yet been effected in the Bill. First, as to the clause generally, it was wholly outside the scope and policy of the measure. If it had been omitted, the general scope and policy of the Bill would not have been interfered with. It was defended on the ground that some tenancies were so small and poor that the offer of the power of selling them was no boon to the tenant at all. But the Committee would observe that, with regard to very small tenancies, there was to be no change at all. Seven years' rent was still the sum which was to be the maximum compensation. The Amendment of the hon. and learned Member for Dundalk gave great importance to the clause. He was not going to discuss the policy of the 7th clause at all, but he was not out of Order in referring to it; and what he would say was that, as the provision originally stood, it pointed to a scale of compensation. That, however, had been left out. He should have been content had the clause stood as it was before the Amendment of the hon. and learned Member was accepted, because it would have been impossible for the Court to look at the scale of compensation in estimating the rent under Clause 7, for the reason that it was always contended that the very words that were struck out were the words that marked the compensation to be paid by the landlord for disturbance. The Prime Minister had accepted the Amendment because, he said, he no longer regarded this in the light in which it was put forward in the Act of 1870—namely, a claim for compensation for loss sustained by the tenant for quitting his holding, but something more under tenant right. The lines adopted in the Amendment were the first intimation given in this Bill of that on which the 7th clause was to be founded. The scale in regard to disturbance was given as a means for ascertaining what was a fair rent. The question was a most important one; and, if this were the right time, he thought he could show that for the scale of compensation for disturbance to be mixed up with tenant right was most irregular. How could they apply the scale of compensation to the tenant right? But he would not go into that matter now. He had said enough to show that this was not, at all events, an unimportant clause to introduce into the Bill. It might have most important consequences as regarded subsequent clauses in the Bill. He did not think a case had been made out for a departure from the policy laid down in the Act of 1870, and he, for one, should vote with the greatest confidence against the clause.

SIR GEORGE CAMPBELL wished to know whether compensation for disturbance would be regulated by the £50 contract clause, or the £150 contract clause?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the £50 limit of the Act of 1870 must, if not altered, limit the claim for disturbance, because that limit arose under the Act of 1870, and not under this Bill.

MR. WARTON said, he rose mainly for the purpose of protesting against the principle—or, rather, the practice, for it was without principle—which prevailed on the other side of the House of shouting out "Divide! Divide!" before the question had been fully considered. When they were discussing a portion of a clause, they were told that the time for discussing the principle of a provision was when the clause was put; and then, when the clause was put, and they wished to discuss it, they were told that they had discussed it already. He, for one, was not going to submit to this kind of treatment, and he would give notice to those who interrupted that, if the practice was continued, he should feel it his duty to repeat his protest at greater length. Those who were in the House in 1870 were told over and over again by the Prime Minister that there was no kind of property created for the tenant by the Compensation for Disturbance Clause of the Act of 1870. They were told, emphatically, that the question was one of fine or damages. They were told now, however, that though it was never contemplated by the wise authors of the Act, a property had been created, and the very people who had seen that property created—who had been unwilling to create it, and who could not see how it could be created—wanted to increase it, without giving a single reason for so doing. The tenant was now hedged round with a number of privileges, and he required compensation for disturbance less now than he had ever required it before. But, because he wanted less, the Government were going to give him more.

Question put.

The Committee *divided*:—Ayes 238; Noes 142: Majority 96.—(Div. List, No. 276.)

MR. LALOR said, that if the clause stood in its present form, those tenants who had sold their tenancies to good and proper persons, but without the permission of the landlord, would be shut out from compensation. He had an Amendment on the Paper to rectify the clause in this particular.

Amendment proposed,

In page 6, line 17, leave out "be accepted by the landlord as tenant in his place, and such other person is so accepted," and insert "become possessed of the holding."—(*Mr. Lalor.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, the hon. Member slightly misconceived the object of the clause. It was meant to provide against an injustice in the Act of 1870, and to enable a man who had made improvements to recover compensation, even though he had accepted a new tenancy. In the matter of the transfer of the tenancy the clause carried out the object the hon. Member had in view, and it did not seem in any way necessary to alter the provision. He would accept the Amendment at once if he thought it was neccessary.

Amendment, by leave, *withdrawn.*

DR. COMMINS said, he would move the next Amendment, which stood in the name of the hon. Member for Roscommon (Mr. O'Kelly). It would carry out the object of the clause throwing upon the person claiming compensation the onus of proving that compensation was due.

Amendment proposed,

In page 6, line 26, leave out all the words after "claim," and add "according as the same may or may not be sustained by proof."—(*Dr. Commins.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment, which was quite unnecessary.

Amendment, by leave, *withdrawn.*

Clause, as amended, *agreed to.*

PART II.

INTERVENTION OF COURT.

Clause 7 (Determination by Court of rent of present tenancies).

DR. COMMINS said, he had an Amendment which would strengthen the clause without altering its meaning. It was to strike out certain words in order to prevent misinterpretation of the clause, and to prevent unnecessary obstruction being placed in the way of those who sought to secure the benefits of the provision. A Judge might say to a tenant—"Have you any description under the Act?" and it might be difficult to answer the question.

Amendment proposed, in page 6, line 29, omit "to which this Act applies."—(*Dr. Commins.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) pointed out that this form of language ran through the whole Bill. He trusted the hon. and learned Member would not press the Amendment.

Amendment, by leave, *withdrawn.*

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had an Amendment to propose in fulfilment of the pledge given by the Prime Minister that the landlord was to be admitted to the Court.

Amendment proposed,

In page 6, line 30, after the word "applies," to insert the words "or such tenant and the landlord jointly, or the landlord, after having demanded from such tenant an increase of rent, which the tenant has declined to accept."—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

MR. CHAPLIN said, the effect of the modification would be to give to the Court some indication of the limit beyond which the rent was not to go. If the landlord demanded an increase of rent, and the tenant refused to pay, there was some presumption for the Court that the rent was in excess of a fair rent. If the contention was that the landlord was to go into Court on equal terms with the tenant—and that he understood to be the pledge given by the Government—he could not understand what reason there was for any qualification whatever. They on that (the Opposition) side of the House had understood that the landlord was to have the same opportunity, without limit or qualification, of going into Court as the tenant.

Amendment proposed to said proposed Amendment,

After the words "or the landlord" to omit the words "after having demanded from such tenant an increase of rent, which the tenant has declined to accept."—(*Mr. Chaplin.*)

MR. CARTWRIGHT said, he had put the following Amendment on the Paper: — In page 6, line 30, after "applies," insert—

"And the landlord or tenant of any future tenancy to which this Act applies, after demand of an increase of rent by the landlord from the tenant beyond the amount fixed at the beginning of such tenancy."

When he had put down this Amendment the words of the clause were very different to those the Government had since intimated their intention of proposing. They then had limited the direct access to the Court to the tenant, and imposed on the landlord the invidious obligation of raising the rent, and being dragged by the tenant into the Court. He preferred the words of his own Amendment to those of the Amendment of the right hon. and learned Gentleman; but, at the same time, he could not shut his eyes to the fact that the proposal of the Government would effect a very considerable alteration in the clause, and would, substantially, concede the point for which he contended. His objection to the Government Amendment was that it did, in a round-about way, that which might have been done directly by such words as he had proposed. But, at any rate, the necessary improvement would be effected. The Amendment would by no means be exclusively to the benefit of the landlord; but it would be beneficial, also, to the small tenant, who would, in many cases, be relieved of that which the Prime Minister had told them would be a great burden to him—namely, the cost of going into the Court, and secure, at the landlord's expense, the advantages of a statutory term.

Mr. CHARLES RUSSELL said, he was one of those who, differing from many Irish Members, did not complain of the principle of giving the landlord access to the Court. He thought it just to do so. But what was the Amendment of the hon. Member opposite (Mr. Chaplin)? The effect of it would practically be to compel the landlord or the tenant, or both, to go to the Court, when that might be avoided by the landlord making known to the tenant what his demand was. ["No, no!"] Yes, that was so; because, according to the Government Amendment, if the landlord made a reasonable demand, and the tenant thought it reasonable, the latter could accede to it without going to the Court at all; whereas, the effect of the Amendment to the proposed Amendment would be to prevent agreement between the landlord and tenant where the former was asking only what was reasonable. He wished to point out to the Government that if their Amendment was accepted there should be some modification of sub-section 7, which contained these words—"Where the judicial rent of any present tenancy has been fixed by the Court," &c. Where the landlord demanded an increase of rent, and the tenant did not object, there should be the same statutory rights as though the parties had gone to the Court.

Mr. CHAPLIN said, the hon. and learned Member misapprehended the effect of the Amendment he had proposed. If the words he proposed to omit were struck out, there would be nothing to compel the landlord or tenant to go into the Court. The two could come to an agreement; but, according to the Amendment of the Government as it stood, the landlord could not go into the Court at all unless he had first demanded an increase of rent from the tenant which the tenant had refused. There was a material question bearing upon this point. In the Amendment of the Government there was a direction to the Court as to what was to be considered a fair rent. The matter was left entirely to the discretion of the Court; and what would be the conduct of the Court if the landlord had demanded an increase which the tenant had refused? The Court might say—"This is not a fair rent, because if it were the tenant would have accepted it." It would be a direct instruction to the Court to fix the rent at something less than the tenant had refused to accept. The right hon. and learned Gentleman the Attorney General for Ireland had given them no reason for the retention of the words he (Mr. Chaplin) proposed to strike out, and, if he wished to place the landlord on the same footing as the tenant, the Amendment ought to be accepted.

Mr. GLADSTONE: If the hon. Member is right in saying this will be a direction to the Court as to what is to be considered a fair rent—[Mr. Chaplin: I say it may be.]—well, if it is a suggestion to the Court as to what is to be considered a fair rent, it is a strong argument against the proposal, and my right hon. and learned Friend would amend it. But this is not strictly relevant to the present question. Allow me to undeceive the hon. Member as to what fell from me on a former occasion. He says right hon. and hon. Members on the opposite side understood me to say that the landlord was to go into Court on equal terms with the landlord. Now, what happened as to that matter was, I think, this. My first mention of the matter was purely parenthetical. It was a question of admitting the landlord under a prior clause with which we were dealing, and I took occasion to intimate that we should be ready to make an access to the Court for the landlord; but I never said anything as to his going there in precisely the same manner as the tenant. On the contrary, I took the earliest opportunity—lest there should be any misunderstanding — of saying — and I am sure my words were reported—that the access we meant to give the landlord was an access after having demanded an increase of rent for the tenant and a difference arising between them. That is what we mean by the Amendment before us. Take the case stated by the hon. Member. He says—

"Under the Amendment I propose it will be open to the landlord to go to the Court to demand an increase of rent." But our object is to arrange that it shall be equally open to him not to do so. The hon. Member wishes to put the landlord in the position of being able to say—"I must have my rent; I am not satisfied with the present state of things; I must take you into the Court." But the tenant may say—"I will entertain any reasonable proposal; what rent do you want?" And the landlord may reply—"I won't tell you; I will take you into the Court." That would be a powerful instrument to place in the hands of the landlord, which might be misused, and might inflict great hardship on the small and poor tenant; therefore, we cannot agree to the proposal of the hon. Member. Having said that, I am bound to say that, so far as I am instructed in the matter, I think the Court may reasonably lay down a rule requiring the landlords to say what rent they want. In the case of considerable tenants, if they want a change of rent, is it right and fair that they should specify the change of rent that they demand? I am by no means sure—I do not want the Committee to rule it absolutely — but I am by no means sure whether in the case of all the very small holders of Ireland it would be equitable to require of them, under all circumstances, to specify the exact reduction they want. They are not persons in a position always to value scientifically the holding they hold. I do not say whether or not it would be right to require them to specify their demand, but I would leave the matter to the discretion of the Court. It would be better, if it is thought obviously right that the demand should be specified, that we should require that specification from both parties than to limit it to one of them only. The Government cannot, however, assent to omit from the Amendment the words which the hon. Member opposite (Mr. Chaplin) proposed to strike out.

MR. MARUM said, he was rather surprised that such an Amendment as that proposed by the hon. Member (Mr. Chaplin) should have come from that side of the House. He regarded the Government Amendment as a concession to the landlords; a boon had been thrown across the floor of the House, and he was astonished to see those to whom it was given cavilling about it. Before he had seen the qualifying words of the Government Amendment he had come down with the idea of proposing something of this kind—

> "Any notice to quit used for the purpose of demanding an increase of rent from the tenant, if a present tenant, and which does not specify on the face of it some other ground shall, for the purposes of this Act, be null and void."

MR. HENEAGE said, he thought there was nothing practical in the Amendment of the hon. Member for Mid Lincolnshire (Mr. Chaplin), and was of opinion that the Government had, substantially, given the landlords everything they could ask for in this matter. He had placed his Amendment on the Paper quite as much in the interest of the tenant as the landlord, and he was glad that under the clause, as it would now stand, many small tenants would be saved the expense of going into the Court; because the landlords would be able to say —"I want an increase of rent, but I am prepared to allow you a statutory term, and, if you will go with me into the Court, I shall be ready to pay all the expenses." He thought the proposal of the Government was a great concession as it stood, and that only those landlords who wished to have their whole property valued at the expense of the country would be injured by the words which the Government proposed. He did not wish to see the Court blocked by these wholesale applications, and thereby the tenants who were rack-rented prevented from going into Court; and he thought it a wise provision that if the landlord went into Court it should be upon an increase of rent.

MR. WARTON pointed out that there was nothing in the words proposed to compel the landlord to accept a specified increase of rent. The more words there were in the Bill the more the danger would be. Another consideration was that if a landlord accepted a specified rent, the Court must fix the rent above or below or exactly the same as the amount the landlord asked. If the Court should think the amount should be less than was asked, he supposed the landlord would have to pay the costs, and it would not be one case in 100 in which the Court would say the fair rent was exactly what the landlord asked. Then, again, what time was the tenant to have in which to decline the increase demanded? That was not provided for; and the whole thing would be left in confusion. It would be only fair to give the same rights to the landlord and the tenant.

Mr. CHAPLIN entirely accepted the explanation of the Prime Minister, and was only sorry that he had misinterpreted what he had said on a former occasion; but that did not alter his views as to the propriety of this Amendment. The principle involved was a principle which ought to be in the Bill, and from which they should depart; a principle which had been accepted by the Prime Minister, and advocated by some hon. Members behind him, and he was surprised that the hon. Member for Great Grimsby (Mr. Heneage), who had been such a stout advocate of putting the landlord and the tenant on the same footing as to going into Court, should speak as he had just spoken. The landlord and tenant did not go into Court on the same ground, and it was important to have a clear and distinct understanding upon that point. The tenant was to go into Court when and how he pleased; but the landlord was only to go into Court on a qualification which, in his opinion, was likely to be very prejudicial to him. There could be no two opinions as to the fairness of admitting the two parties into Court on the same conditions. He would not delay the Committee by pressing the Amendment to a division; but that must not be taken as an admission of his non-adhesion to the principle.

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 6, line 30, after the word "applies," to insert the words "or such tenant and the landlord jointly, or the landlord, after having demanded from such tenant an increase of rent, which the tenant has declined to accept."—(*Mr. Attorney General for Ireland.*)

Lord RANDOLPH CHURCHILL proposed to add to these words, in consequence of what had fallen from the Prime Minister—

"Provided always, that any tenant of any holding of over ten pounds' valuation, shall, before applying to the Court, notify to the landlord the amount of decrease of rent which he claims."

He thought the arguments of the Prime Minister against the Amendment of his hon. Friend were very striking and difficult to answer; but the thing cut both ways, and if it would be very hard on the tenant to give the landlord power to refuse to tell him what rent he claimed, it would be equally hard on the landlord if the tenant should be able to take him into Court without saying what decrease he claimed. There were many landlords who, after this Bill, and looking at the present agricultural state of the country, would make up their minds to a certain reduction of rent. He did not suppose it was the object of the Government to flood Ireland with litigation; on the contrary, he believed they would favourably regard all Amendments designed to diminish litigation. But he had no doubt there were many tenants in Ireland who, after this Bill had come into force, would think themselves entitled to a decrease of rent; and they ought to let the landlord know before going into Court what they demanded. The landlord, in many cases, might, rather than enter upon expensive litigation, ask the tenant to let him know what he demanded, and, if he could, he would agree to it without going to law. He took a limit of £10; but there was great force in what the Prime Minister had said as to the small tenants, and they must look upon the Court as a sort of protection of the small tenants. It was possible those small tenants might not be able to say what the value of their holding was; but the £10 tenants were substantial tenants, and knew what was the fair value of their land. So he took that as a fair limit, and he did not wish to ask too much; but he wanted the Committee to say that while it was reasonable that the landlord should specify the increase he demanded, it was equally reasonable that the tenant should specify the decrease he demanded. He could not help thinking, after what the Prime Minister had said, that he would accept, if not the words of the Amendment, the spirit of it, and allow something to be placed on record at this stage.

The CHAIRMAN: The noble Lord's Amendment cannot be moved until the words of the Attorney General have been accepted. A convenient place to move it afterwards will be in line 31, because a Proviso coming in the middle of the sentence will break up the sentence.

LORD RANDOLPH CHURCHILL said, he thought his Amendment might come in after the word "paid" in the Attorney General's Amendment.

CAPTAIN AYLMER said, he had intended to suggest that it would be better if the Attorney General's Amendment came in at the sub-section 2, because it would then read better.

Amendment (*Mr. Attorney General for Ireland*) *agreed to.*

MR. W. J. CORBET proposed to move an Amendment with the object of bringing within the provisions of this Bill those tenants who had been forced to accept leases by landlords or their agents from the passing of the Act of 1870. It was, he said, a well-known fact that on the passing of that Act many people were induced to take out leases on misrepresentations, or were compelled to do so by threats. He knew, in moving this Amendment, that the sacredness of contracts would be argued on behalf of the landlords; but there could be no contract where one of the parties had it all his own way. The tenant, in such a case, had to accept a choice of evils. He would read some extracts from a lease which was in force on Lord Fitzwilliam's estate in County Wicklow. In this lease one of the covenants was this—

> "The landlord accepts and reserves to himself, his heirs, and assigns, all mines, minerals, quarries, stone, sand, gravel, turf, turf-bog, and rights of turbage, and all timber and trees now standing and growing, or hereafter to stand and grow thereon, underwood and heather, and all game as defined by the 27 & 28 *Vict.* c. 67, rabbits, wild fowl, and fish, and the exclusive right of selling, and of following, and taking and killing the same."

But that was not all. It was provided that the tenant should from time to time, and at all times, observe the rules and regulations of the landlord's estates, and, in particular, should not use, or permit to be used, the said holding, or any part thereof, for the purpose of carrying on a public-house, beershop, or lodging-house, or any offensive trade or business, or any nuisance whatsoever, and should not assign, mortgage, divide, or sub-let, or part with the possession of such holding, or take any grazing stock thereon without the consent in writing of the landlord, his heirs, and assigns. One would think that the part of the Bill dealing with this subject had been drawn up in an estate office, so closely did it follow the lines of the Fitzwilliam leases. It was no pleasure, but rather a pain, to him to mention names; but as Lord Fitzwilliam had been held up as a model landlord, it was only right to bring the matter before the Committee. It appeared from these leases that a lodger could not be taken into a house on that estate. A farm-house in a Wicklow valley or mountain glen was a great attraction to town people, numbers of whom flocked there in the summer time, and it was thus a cruelty and injustice to impose this prohibition. The lease also forbade grazing stock being taken in; and it was really very hard that a poor farmer, who in good seasons had more grass than he required, and had not money with which to buy additional stock, should be prevented from taking in grazing cattle. The lease also referred to the office rules. He would not trouble the Committee by reading all those rules; but he would give one or two as samples. Rule 2 was this—

> "The tenant shall reside on the property; the land shall be cultivated in a proper, cleanly, and business-like manner. It shall be stocked by the tenant himself, and no hay, straw, grain, crops, or manure shall be sold or taken off the farm, or second-hand crops grown in succession without permission."

Rule 4 provided—

> "All the houses and buildings shall be maintained in good order, and shall not be let to lodgers."

Rule 9 said—

> "In case of change of tenancy a fair allowance will be made to outgoing tenants for improvements done at the cost of themselves or their families within a reasonable time, and with Lord Fitzwilliam's consent."

Rule 11 was—

> "No dogs except sheep or watch dogs, when necessary, shall be kept without permission as above, and no dogs of any kind shall be allowed to hunt or stray over the lands;"

and he had known an instance of a gentleman walking on the road with some dogs being challenged by a person connected with this office. He ventured to say, without fear of contradiction, that nothing could be more arbitrary or calculated to hamper the farmer in carrying on his business than rules of this character. As Edmund Burke had said of the Penal Laws—

> "They are devised with singular ingenuity to paralyze a people, and to destroy their self-respect."

He admitted that Lord Fitzwilliam was a kind and indulgent landlord; but only in certain cases. He was kind and indulgent to the sycophants and parasites by whom he had surrounded himself. In reference to Lord Fitzwilliam's treatment of his tenants, he would read a reply to a question in the Evidence before the Land Commission, given by a respectable Protestant tenant farmer on this estate—Mr. Dowling. Baron Dowse asked him—"Do you think Lord Fitzwilliam would do any wrong?" He replied—

> "I think he has claimed all the rights of absolute ownership. He has without doubt introduced English ideas contrary to the feelings and views of the Irish people. I do not know any landlord who has with greater determination endeavoured to carry out English ideas on his property than he has."

Lord Fitzwilliam was kind enough and indulgent to his favourites who throve and grew rich on the land from which the independent Catholic population had been driven to make room for them. In Question 34,540, Baron Dowse asked—

> "Do you say in plain English that he is not a good landlord?" Mr. Dowling replied—"I did not come here to make a complaint of him, but his management of his estates, so far as he has attempted to introduce English rules and customs, has been unpleasant and unsatisfactory to the Irish people, and very loud complaints have been made with regard to some of the old residential occupants on the estate being turned away, and the friends of the persons in the office have largely benefited by this course."

He had received a letter from a respected priest with reference to the sale of the interest of a tenant named Burke. He was permitted to sell, and he sold his interest to a respectable Catholic, but the office would not accept the person as a purchaser, and one of those persons to whom Mr. Dowling referred was given a preference. He knew of another case——

THE CHAIRMAN: The hon. Gentleman is now going beyond this Amendment, which is with refererence to a lease with unreasonable covenants.

MR. W. J. CORBET said, he was endeavouring to show that unless leaseholders on Lord Fitzwilliam's estate were brought within the provisions of this Bill they would be in a very unsatisfactory and perilous position. He would not, however, proceed further, but begged to move his Amendment.

Amendment proposed.

After the word "accept," at the end of the last Amendment, page 6, line 30, to insert the words "or any leaseholder who can show to the satisfaction of the Court that he was constrained or induced by a landlord or his agent, to take out a lease since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,' at an unfair rent, or subject to unreasonable covenants."—(*Mr. William Corbet.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: I need not detain the Committee long on this Amendment, particularly on the latter part. The hon. Member has read a number of provisions, and I suppose he thinks very bad provisions, in the leases of Earl Fitzwilliam, and I am very glad to find that the leases contain nothing worse than he has stated. With regard to these provisions in these leases we must take them in connection with Lord Fitzwilliam's practice which we know to prevail upon his estate; and I am not prepared to say it is not necessary to landlords to reserve certain powers which they do not expect to put in force, but which form a simple and not inexpedient method of controlling the tenants. I think there is nothing in these covenants to derogate from the high character of Lord Fitzwilliam as a landlord. By the provision which is to follow the tenants may go into Court to obtain a fixed rent, but a judicial rent will not relieve them from unreasonable covenants; but if the hon. Member proposes to say that every provision of these leases shall be brought into Court, that is a proposition to which we are not prepared to assent. But with respect to what I think is the more important part of the Amendment I would say a single word, and it is this. We are not prepared, either for present or future leases, to lay down the principle that those who have consented to the terms of these leases with regard to rent shall be at liberty to question the terms before the Court during the currency of the leases. When we come to the operation of the Bill as to the conditions of leases it may be perfectly suitable to discuss this Amendment; but we are fixed in that view. We cannot make provision for establishing leases, and then to establish provisions for altering the rents under those leases. That would nullify the whole idea of a lease. It may be that many farmers think it doubtful to contract; but if a lease was contracted it ought to be a real lease, and not an illusory lease. With regard to current leases in Ireland, what I have said with regard to rents in future leases of course applies with still greater force, because they were made under the stimulus of the Act of 1870; but there is a very important question, quite apart from the subject of rents under these leases, upon which the Committee and the Government are perfectly free to take their own course as they think fit when we arrive at the proper part of the Bill; and that is the question whether the present leaseholders ought, at the expiration of their leases, to be put on the footing of future tenants only, or whether they ought not, on the whole, to receive the present judicial rent. As regards leases we must be understood that there cannot be any interference by the Court with the rents stipulated in those leases, and I am not sorry the hon. Member has put this Amendment, because, probably, this is a convenient opportunity of taking the judgment of the Committee if he thinks fit to do so.

MR. LITTON was very sorry the Prime Minister had led the Committee to the conclusion that the question of existing leases, where it was possible to show that those leases had been forced on tenants under circumstances of pressure or threat of eviction, had not yet been considered by the Prime Minister. It would be a great misfortune were they to precipitate now the discussion, which would come much more properly at a future stage of the Bill; but if the question was now to be dealt with, it was quite plain that a considerable time must be devoted to the consideration of this question before the discussion ended. There was hardly a question arising out of the present Bill which attracted more attention and was deserving of more consideration by the Government than this question. It had been abundantly proved before the Bessborough Commission that there were cases in Ireland in which gross injustice would be inflicted on leaseholders who had been forced to accept leases, unless it was open to them, where they were able to show that pressure had been exercised, to have the leases revised and so obtain the benefit of the Act. He could not have imagined that the Government would be prepared to indicate so far in advance the course they proposed to take. If the Government were prepared to stand by what the Prime Minister had stated, a considerable time must be occupied in discussing the question, for hon. Members would not be prepared to abandon the discussion because the Prime Minister had announced the decision to which the Government had come. As to why this right should be conferred on persons who suffered under the action of landlords who had forced them into an unjust position, the Committee, he hoped, would express its opinion sufficiently strongly to enable or justify the Prime Minister in modifying, to some extent, the position he had laid down. With regard to this question, in the North of Ireland there had been since 1870, and notably prior to the Bill of 1870, on the part of gentlemen and noblemen who anticipated the course of coming legislation, a strong desire, which was not only shown, but was carried into execution, to force on the tenants the acceptance of leases, excluding the benefit of prospective legislation. Probably that course was quite justifiable, for landlords, like other persons, had a right to look to their interests in advance; but if it was found that there had been a wide-spread course adopted to deprive tenants of the benefit of projected legislation under the threat of eviction, he believed there was not a Court of Equity which, if an action could be brought at the instance of a tenant, would not feel bound to relieve the tenant, under such circumstances, from his obligation. The Bessborough Commission took a large amount of evidence from respectable persons as to the circumstances under which this pressure had been put upon them. One of these persons, Michael Flynn, had stated—in page 446—that in 1875 his father died, and left him the farm; but when he went to pay the rent it was refused, until he would sign a lease depriving him of all claim for improvements. Being asked by the Commission whether he did sign, he said he was obliged to do so, unless he was prepared to turn his family out of doors. If that man, under similar circumstances, brought an action in the

High Court of Justice in the Chancery Division, would not the Court give him relief? The witness was asked whether the landlord had said he would evict him if he did not sign the lease, and he replied that after holding back for some time he found he was at the landlord's mercy, and he had to sign. Another witness—in page 467—had also said he knew of cases in which tenants were compelled by fear of eviction to sign agreements they did not approve of; and many other instances could be given. There was not a Gentleman from the North of Ireland who did not know that this course had prevailed since 1870. He held in his hand a copy of a lease on Lord Dufferin's estate which was executed before 1870. Lord Dufferin saw the direction in which legislation was going, and he prepared a lease which he required his tenants to sign, and one or two impressionable tenants having signed it, the other tenants followed like a flock of sheep. One of the provisions of this lease declared that on the expiration of the term no claim by a lessee or his assigns on any ground or pretence whatever should exist, or be set up, or entertained, in respect of the premises, save under the provisions of the lease for the then value of buildings "herein or hereon stated or endorsed to the credit of the lessee." That showed that in advance of the Act of 1870 landlords even in Ulster forced their tenants, under the threat of eviction, to contract themselves out of their tenant right and the benefits the Legislature intended to confer. He held another document in his hand—a notice to quit, served on a man who declined to sign a lease. The notice was accompanied by a letter stating that the notice was served for the purpose of forcing him to sign the lease, but that it would not be proceeded with if the tenant signed the agreement. That was in the county of Monaghan.

It being a quarter of an hour before Six of the clock, the Chairman reported Progress; Committee to sit again *Tomorrow.*

House adjourned at five minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, 30th June, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Petroleum (Hawking) * (139).

Second Reading—Coroners (Ireland) * (134).

Committee—Gas Provisional Orders * (97).

Third Reading—Charitable Trusts (120), and *passed.*

IRELAND — THE UNITED STATES— SECRET MISSION TO IRELAND.

QUESTION.

LORD EMLY asked the Secretary of State for Foreign Affairs, Whether there was any truth in the intelligence contained in a telegram which had been published in some of the newspapers, and which stated that the President of the United States had despatched a Secret Mission from America to this country, with instructions to draw up a Report on the condition of Ireland?

EARL GRANVILLE: My Lords, Her Majesty's Government have received no official information of the alleged event to which the telegram refers. The Mission which it speaks of is described as secret, and therefore the Government would not be bound to know of it. I have, however, a very good reason for saying that there is no foundation for the rumour to which the telegram gives publicity.

TURKEY AND GREECE — THE BOUNDARY QUESTION.

QUESTION.

THE EARL OF ROSEBERY asked the Secretary of State for Foreign Affairs, Whether he would have any objection to place within the precincts of the House a map showing the boundaries proposed to be assigned to Greece under the arrangements made at Constantinople, and also the boundaries of that country, as fixed at the Conference of Berlin?

EARL GRANVILLE said, he would do so.

CHARITABLE TRUSTS BILL.—(No. 120.)

(*The Lord Chancellor.*)

THIRD READING.

Order of the Day for the Third Reading read.

Moved, "That the Bill be now read 3ª."—(*The Lord Chancellor.*)

LORD DENMAN said, that when the Bill had been appointed for the third reading for a previous day, he had been presumptuous enough—as he had announced to the noble Marquess (the Marquess of Salisbury) on account of a new Amendment—to intend to move its rejection. He had thus proposed, because he recollected a Bill on the subject of Affirmations instead of Oaths being rejected—although it had passed the House of Commons, and been brought forward by his lamented Relative—without any previous Notice—even Lord Brougham speaking and voting against his paralytic Friend; but he had given Notice, after the delay, and he called to their Lordships' remembrance the Life Peerage Bill, 1869, which, as at first framed, would have allowed 23 Life Peers, at one time, to sit in their Lordships' House This, in Committee, had been reduced to two; but the present Chancellor of the Duchy of Lancaster, having accused their Lordships of tinkering the Bill, it was thrown out. The other Bill was the London Bridge Approaches Bill; and by the exertions of a noble Earl, late Secretary of State for the Colonies, that Bill had failed to obtain a third reading. He (Lord Denman), failing to obtain a Teller, the Bill was, as stated, passed.

Amendment *moved*, to leave out ("now") and add at the end of the motion ("this day three months.")—(*The Lord Denman.*)

On question, that ("now") stand part of the Motion, *resolved* in the *affirmative;* Bill read 3ª accordingly; amendments made; Bill *passed*, and sent to the Commons.

MAINTENANCE OF ROADS IN FOREIGN COUNTRIES.—QUESTION.

VISCOUNT SIDMOUTH asked the Secretary of State for Foreign Affairs, Whether he will object to instruct the Secretaries of Legation to supply information respecting the systems upon which public roads are constructed and maintained in the different European States to which they are accredited; also, wherever such information may be procurable to supply statistics showing the costs of maintaining the roads in repair?

EARL GRANVILLE said, he had no objection to accede to the request of the noble Viscount.

GREEK FRONTIER.

ADDRESS FOR A PAPER.

LORD STRATHEDEN AND CAMPBELL, in rising to call attention to the further Correspondence on the Greek Frontier; and to move for any Protocol or Treaty which forms the basis of the European concert alluded to in several despatches, said: My Lords, although this Notice has been frequently postponed, at the desire or suggestion of the Government, in order that the latest Correspondence might appear, we only just possess it, and I will not pretend that I am thoroughly acquainted with it. I am induced to bring the subject forward by the circumstance of having slightly entered into it in August last, when nearly everyone else had disappeared, and since been led into pursuing it. Had I been certain that discussion would arise from any other quarter I should have been much inclined to avoid it. Whatever bears upon the East provokes comparatively little interest at present, although there are not wanting dangers to remind us that our lamp upon that subject ought to be perpetually burning. At least, with regard to the Greek Frontier, the time is come for looking back on what has happened. A lucid version has appeared in the French Circular, to which I will endeavour to conform myself. My Lords, it would be an error to suppose that the Russian march towards Constantinople, involving many consequences as it did, involved among them a necessity of changing the Greek Frontier. The Treaty of San Stefano, which embodied the ideas and will of Russia, had no allusion to the subject. It would also be an error to suppose that our Plenipotentiaries at the Congress of Berlin led the way in raising such a question. They took measures to uphold the interest of the Hellenic race wherever it existed against the new demands of the Slavonic race; but they desired to reduce as far as possible all territorial accessions. A territorial accession in the interest of Greece was first proposed by M. Waddington, who represented France during the Congress. It is quite true that the Greek Frontier, as established in 1830, has been objected to by some remarkable authorities. Prince Leopold, when he was asked to take the Sovereignty of Greece, desired to enlarge it. Mr. Finlay, the historian, proposed that something should be added to Greece, and, at the same time, that something should be added to the Ottoman Empire. The late Lord Strangford, in a conversation recorded by Mr. Nassau Senior, in his well-known travels, spoke ambiguously, however, of letting Greece obtain more than the line of 1830 had conceded. But these authorities have now been more than counterbalanced by the voice of Lord Stratford de Redcliffe given in a recent volume for which we are indebted to the Dean of Westminster. In a Memorandum only drawn up last year—it is page 60—Lord Stratford de Redcliffe encounters the whole case advanced for the enlargement of the Hellenic Kingdom. The House may recollect that Lord Stratford de Redcliffe, as a diplomatist, was profoundly mixed up with the creation of that Kingdom. He was amongst its earliest advisers. He was thoroughly conversant with its geographical relations. He had watched its history from the outset with advantages which no one else could rival. If I were not anxious to detain the House as little as is possible I should read through the grave and parting admonition he bequeathed to us. These are the main lessons. He contends that the Christian Powers would be perfectly unjustified in forcing a demand upon the Sultan; that the Greeks have no claim whatever on the Ottoman Empire; that the existing Frontier recommended by three Plenipotentiaries and accepted by the London Conference in 1829-30 is essentially a good one; that a large and serious concession would encourage the Greeks in their desire for another, and could not possibly be lasting. His view is summed up in an emphatic phrase of this kind—that the Turks having given no cause of offence to the Greeks, for the interests of Europe required to be strengthened by measures of relief, rather than weakened by further acts of spoliation. So much for Lord Stratford de Redcliffe. The Congress of Berlin may defend itself, however, on the ground that his opinion pronounced in 1880 was unknown to them in 1878. They framed their celebrated Article and Protocol. The two Powers concerned were recommended to negotiate. But as Greece made no offer of indemnity negotiation of the kind was demonstrably fruitless. It was idle to ask the Porte without return to sacrifice a portion of its territory, considering the state of its finances before the war and after. It was like asking a racing man who had lately become insolvent which of his horses he would be disposed to give away, not to satisfy a creditor, but aggrandize a rival. No good was done at Prevesa or Constantinople. The case for mediation had arisen which the Congress had anticipated. Mediation, according to public law, is the effort of a neutral Power, or several together, to induce two conflicting States to adopt a settlement which is proposed to them. There is not any title to compulsion in the process. The States at variance retain their freedom to accept or to reject. A Conference was summoned at Berlin with the avowed design of promoting mediation. If the expedient really aimed at mediation, it was ill-chosen and unfortunate. If it aimed at something else, it was no less clearly disingenuous. The assembled Powers became committed to a Frontier which the Porte was certain to reject, but which its authors could not easily abandon. Had they confined themselves to mediation, another Frontier, or a second or a third, might have been substituted. But they assumed the function of dictators, and would not swerve from a precipitate conclusion. A Naval Demonstration was repeatedly alluded to, and seemed to be impending to enforce it. My Lords, when the mediators threw off their disguise, and openly admitted that they were rather wolves than sheep; that they were rather *gendarmes* than pacificators; that they did not aim at a reciprocal consent, but a one-sided spoliation, the Sublime Porte resisted, baffled, and defeated them. The Navy was dispersed, the Conference renounced, and arbitration offered. On this stage we ought to dwell a moment. When arbitration was propounded, the recent attitude and language of the Conference was thoroughly condemned by those who had resorted to it. What is arbitration? Here also public law replies for us. It is a process founded on the resolution of two States to accept the arbitrating body as an infallible tribunal, and to abide by its decision. But this is the exact authority the Conference had aimed at. The mediators claimed the deference which only arbitrators can pretend to. But they exposed themselves the moment they declared that mediation and arbitration are distinct from one another. If they are the same, why was arbitration subsequently aimed at? If they are distinct, why for a long time were they confounded? It must have been from either ignorance or violence. The effect, however, was deplorable. Greece was inflamed into what appeared to her legitimate rapacity to be upheld by nearly ruinous expenditure. Her Press, her Sovereign, her leading men abounded in the fiery demand for territory Europe —as they were taught to fancy—had assigned to them. The moment arbitration was projected their title vanished altogether. It was not a matter of surprise that arbitration was repelled by the Sublime Porte after the illegal mode in which the Conference had acted. It had inspired deep distrust in both the possible belligerents. An appeal to Germany was made by our Foreign Office. It is found in the first despatch of the new volume. Negotiations at Constantinople proceeded under German influence, and ended in the Convention now before us. As the French Circular interprets it, Epirus is retained by the Sublime Porte, while Thessaly is alienated from it. Such is the outline of the different stages which occurred in the transaction, and there is only one I should desire for a moment to recur to. The House will see that the Conference, so far from gaining the result it aimed at, was a mischievous obstruction to it. The negotiations, which terminated in a settlement—be it good or bad—were forced to overlook it. They would have taken place with 10 times more facility had no such Conference existed. The line projected by the Conference was always coming back to harass the negotiators at Constantinople by its spectre. It was a rock gratuitously flung into a channel of diplomacy, and it required on the part of those who flung it in the greatest art and judgment to elude it. It was a lion set upon the path by those who afterwards contended with it. Their only triumph is to have gradually surmounted the obstruction they had recklessly created. If they put out a fire, it was the fire they had kindled. The negotiators at Constantinople, under the influence of Germany, inasmuch as they averted war, deserve the praise of energy and judgment. But it is the energy and judgment which struggles from a quagmire fancifully entered, unless indeed some latent power required the plunge, and barely sanctioned the escape from it. It may seem, however, to your Lordships that it is more important to glance at the results of the transaction which survive it, than to dwell on any of the blots which marked it in it progress. The most palpable result is the diminution of the Ottoman Empire. Its loss is estimated at £1,000,000 sterling of revenue. It is a blow to all the Powers which have to guard Constantinople by its agency. It is a direct impediment to the various reforms they have demanded and to which expenditure was necessary. It is a new misfortune to the creditors of Turkey. But it may be thought, at least, that the Hellenic Party, whom I do not undervalue, ought to be congratulated. Even this is doubtful. If I can venture to interpret them, the Hellenic Party, ever since the time of Lord Byron, their heroic founder, have always looked to a resuscitated Athens. Since the beginning of the struggle with the Porte they have aspired to make Athens the intellectual, political, artistic centre which it used to be. But territorial extension of the kind which has occurred —as Lord Stratford de Redcliffe indeed has pointed out—must foster the well-known desire of the Greeks to move towards Constantinople. Were that object ever compassed, so far from shining as a mistress in the East, Athens must again become subordinate, forgotten and provincial, as she was throughout the night of servitude and dust, from which, half a century ago, her nationality and monuments awakened. It is true, indeed, that beyond the range of the Hellenic Party we encounter a highly vague, but rather prevalent impression that by extending Greece something is accomplished for the solution of the Eastern Question, should adverse fate supplant the Ottoman dominion on the Bosphorus. As soon as it is recollected that the population of the whole Greek race within the Kingdom, within the Islands, and European Turkey, is only rated at 5,000,000, even by Hellenic advocates such as Mr. Lewis Sergeant—whose work appeared a year ago—the fallacy of such a calculation is apparent. Even if Greece assimilated every conflicting race between the Danube and the Sea of Marmora for such an aim, her force would be inadequate. It would not be difficult to show that as regards the safety of Constantinople—against Russia—the aggrandizement of Greece is not only useless, but injurious. But I cannot dwell at length on any one of the results to be considered. The next, and last, is most important. The Convention between Greece and the Sublime Porte now before us has no guarantee to uphold the latter against perpetual demands for the unhappy Frontier which the Conference has stereotyped. Greece merely acquiesces in the large amount of territory ceded to her. The gift is so arranged as to achieve the work of a privation. The object which put the Congress of Berlin in movement on the subject is quite as distant as it used to be. It was to bring Greece and the Sublime Porte into a more friendly and less precarious relation. Greece now aspires to the Frontier which the Conference had traced more eagerly than she aspired before to undefined and general encroachment. She is more restless from the ill-conceived arrangements which had no pretext but their tendency to soothe her. The Porte, although reduced, continues to be menaced. At least, the Frontier traced at Berlin may be constantly invoked as that which Europe sanctions, so long as the name of Europe is appropriated by the concert which adopted it. Your Lordships may thus see in what manner the two subjects of my Notice are inseparably linked together. If the concert is still recognized, its Frontier is still the goal and the horizon to be aimed at. In that case, there is perpetual disquietude for Greece, perpetual hazard for the Ottoman Empire. If the concert disappears before the touch of reason or of policy, its Frontier may be set aside, and thus the new arrangement will be comparatively lasting. In the interest of that arrangement — although on other grounds as well—the concert merits strict examination from your Lordships. To save time, I pass over the despatches in which its authority is blazoned ; but I have brought down here to-night a series to refer to if desirable. With regard, therefore, to the concert so much vaunted, there is one thing to be remarked upon the surface, even by those who do not care to go too deeply into it. They cannot but remark its inability and nullity. As regards the Greek Frontier it had no effect but that of exciting animosity between two Powers, since the arrangement was brought about by the controlling influence of Berlin. Beyond France there is but one opinion as to what has lately taken place in Tunis, although there may be different judgments as to how the Government have acted. We have observed in Tunis assurances unexecuted, war undeclared, a considerable blow inflicted on the Ottoman Empire by one of the Allies in the Crimea. If an European Concert has no vigour to retard or to discountenance or place in its true light a consummation of this kind, it may be fairly asked for what is it available? Is it for promoting Ottoman improvement, which, indeed, it ostentatiously demanded? It has not established one by its remonstrances. The solution is not a remote one. No concert in which Russia largely figures can exercise an influence over the Sultan. Persuasive faculty must always be denied to it. It was long ago explained by so great a master of international affairs as M. Gentz that the Sublime Porte may listen to the powers which uphold, but not when they are mingled and confounded with the power which habitually assails it. My Lords, when the sterility and weakness of the so-termed concert has been noted, we are naturally led on to ask how much of Europe has been incorporated in it. We are thus led to ascertain that even nominally it consists only of six Powers, from which Spain and Sweden, as well as others less important, are excluded. Of course, those countries cannot be unconscious of the humiliation they submit to. Sweden has an Army of above 100,000 Regulars, and 100 vessels in its Navy. But that is not the limit of her virtual capacity. We must reflect on Sweden, not only as she has been, not only as she is, but as a steady and enlightened policy would make her. Whenever great political capacity arises there, Sweden will attract towards herself the minor States to which she has a geographical proximity. Embracing Denmark only in her system, her force would not be inconsiderable. Can it be said that Sweden was never found in other European combinations? She entered into that of 1815 against Napoleon I., as the recent life of Mr.

Herries has informed us—Mr. Herries who at that time was the distributor of subsidies to Europe. In that union even Switzerland appeared. But to proceed to Spain so wantonly disparaged, neither in military nor in naval force is she inferior to Sweden. A volume would not hold the recollections we efface when we declare that Spain is not a member of the European system. We must forget the great anxiety her Fleet, during the last century, from time to time, occasioned to this country. We must forget the labours of the Duke of Wellington in the Peninsula. We must forget even the mode in which the recent war between France and Germany originated. Our own engagements are, perhaps, the clearest proof that Spain ought not to be entirely disregarded as having passed into an obsolete existence. We are bound to defend Portugal by guarantees so numerous that when Mr. Canning wished to send them to Lord Liverpool —the statement is his own—he could not find in his Department a red box large enough to hold them. But Spain is the only Power by which Portugal, in some contingencies, might be endangered. According to the doctrine of the Government that Europe is complete without a Spanish Representative, Great Britain is prepared, at any moment, to support her old Ally against nonentity and vacancy. It is only from a shadow of the past that Portugal is guarded. If, indeed, the Government have formed a resolution not to defend Portugal, whatever happens, it may be subtle and long-sighted to prepare the world for their inaction, by assuming, even now, that Spain has passed beyond the limits of reality. However, there is still a weighty ground on which it might appear to them that Spain ought not to be dishonoured for equivocal or inconsiderable objects. It is that by retaining Gibraltar we cannot but preserve a certain sensibility on her part. The sensibility may rise to discontent, when it is wantonly inflamed, when it is superfluously trifled with. But, my Lords, the principle on which the concert is established is even more adapted to call in question its validity than the startling voids and perilous deficiencies by which it lays the ground for war, by which it fosters enterprize, imposes self-assertion, and scatters animosity around it. It is a concert to uphold, to second, to co-operate with that Power which is usually regarded as aggressive and is often found to be so. That I may not appear to go beyond the rules of international amenity, let me remark that to describe one Power as aggressive is by no means so injurious as to ignore, to question, or connive at the existence of another. An aggressive Power must have considerable qualities and great resources to impel it. Now, our foreign policy—in spite of variations and vicissitudes—has so far been uniform in tenour that it has nearly always tried to form a balance to the aggressive States —wherever they might be—by which the rest of Europe was awakened into vigilance. The opposite idea might have, indeed, a sort of vindication. To seek an intimate relation with the aggressive Power of the day, in the hope of guiding, moderating, and correcting it, may be an amiable design, and, if history was blotted out, might be a rational experiment. But it has only led, when fairly tried, to conflict and embarrassment. It was attempted, in reference to France, by Charles II. and James II. A century of war with that Power was insufficient to atone for it. It was attempted, far less decidedly, of course, by the late Earl of Aberdeen in reference to Russia. The tombs of the Crimea, to which our attention was called the other day, have been its gloomy refutation. The true objection to this mode of acting may be easily presented. It cannot win the friendship of the aggressive Power, and restrain its movement simultaneously. It does uphold its spirit and facilitate its enterprizes. It unavoidably insures the hatred and contempt of all the States which feel themselves deserted. If, therefore, heroism, duty, and consistency are finally renounced as unconvincing in their claims and doubtful in their basis; if the defence of Europe is chimerical; if great examples ought to be forgotten and great traditions set aside in an age which is thought to lean towards material delight or sceptical activity; if it is better to be guided by the head of Machiavelli than by the ardour of Lord Chatham; even then reflecting prudence will not sanction the new principle on which the concert has been founded. But, my Lords, the doctrine it maintains should be regarded as the true criterion by which the virtue of the concert may be measured. After the Conference at Berlin, it was gravely and repeatedly laid down that the Sublime Porte was bound without a fragment of indemnity to sacrifice as much as they demanded of its territory to the award, as they were pleased to term it, of the Powers who usurped the name of Europe at that moment. It was entirely forgotten that according to public law a Sovereign is not at liberty to alienate his territory unless the nation has consented. The whole subject of alienation is discussed in *Vattel*, Book I., Chapter 1, and Section 265, which noble Lords may readily examine. At first sight, the doctrine of the concert is astounding. If a Sovereign is ordered to give up cities, as the Sultan was required to abandon Mezzovo, Larissa, and Janina, he may be ordered to renounce his capital with similar authority. United Europe—with some omitted Powers—may claim a distant jurisdiction. China and Japan may find their distribution altered by its fiat. It might be necessary for Brazil to enlarge a South American Republic. Let us suppose, however, that the doctrine has a limitation, and is asserted only for the benefit of States which insurrection has created, as against the States from which they have detached themselves. Even in that case, it might bear hardly on Great Britain. United Europe may resolve that a large part of Canada is necessary to a young and mighty federation stifling and panting between the Gulf of Mexico and the St. Lawrence. However, the doctrine may be limited to one quarter of the globe, as well as to a single form of national encroachment. Even then, Spain—regarded by the concert as so vanishing a Power—might be instructed to make more room in the Iberian Peninsula for Portugal, which is so great in Africa, and has been so successful in America. But there is a better illustration in the case of Holland and Belgium. Belgium sprung from civil war with Holland as Greece emerged from civil war with Sultan Mahmoud. Belgium is so far from being sufficient in resources that it was thought desirable to neutralize her; a process which is not free from inconveniences. Luxemburg is a remote dependency of Holland, on the South-Eastern Frontier of Belgium. In language, taste, and nationality, it is identified with Belgium. But, more than that, you cannot urge that its possession is indispensable to Holland. Not many years ago, the King of Holland was inclined to dispose of it. United Europe, with the greatest plausibility—if they may order anything—might order him to part with it gratuitously. An European object—the security of Belgium—would be advanced by the concession. No European object would have been forwarded by the concession so dictatorially urged upon the Sultan. Will the united Powers reply that they are crusaders in their essence; that they are only leagued against Mahometan dominion; that nothing else can tempt their zeal; that nothing else can shelter their rapacity? But still they ask the Sultan to be guided by their counsels. But still they claim the part of his advisers and his patrons. My Lords, this flagrant inconsistency, if it escapes the ridicule, may yet demand the hesitation of the world before it acquiesces in a concert of which—to sum up the charges I have brought against it—the nullity is only equalled by the arrogance, of which the basis is as weak as the pretension is intolerable. It might further be contended that a series of results would be desirable for Europe to which the so-called concert is a barrier. But I am more inclined to strict reserve upon that subject. There is another topic not so easily passed over. In spite of these remarks against a system to which the Government are leaning, I absolve the noble Earl the Secretary of State for Foreign Affairs of all responsibility. He may differ in opinion. He may assure the House that he is not to be regarded as the Earl of Dudley controlled in the affairs of his Office by the Duke of Wellington. He may insist that his relation to the Prime Minister is more like that of Lord Bolingbroke to the Earl of Oxford. He may accuse himself, he cannot force another person to accuse him. The origin of so untenable a concert is sufficiently explained without imputing any grave degree of error upon his part. It is found in the peculiar circumstances in which a surreptitious Government presented itself. It is needless, and perhaps imprudent, to dilate on the course of the actual First Lord of the Treasury during the five years which preceded his return to power. It may safely be remarked, however, that love of one Empire and hatred of another may kindle eloquence but cannot organize a policy. A concert, in which Russia was really the preponderating force, inevitably sprung from the arrangement, which is still as unexplained and mysterious as when it burst upon our wonder. Such a concert could not be averted by any Secretary of State, however indefatigable. There is only one objection against which I should desire to guard the Motion I submit, and then I may release the House with many thanks for its indulgence. It may be thought that the variety of arguments by which I have opposed the concert now before us ought to suggest a Resolution more explicit to discountenance it. It often occurred to me, and were I immediately connected with a Parliamentary majority I should have probably attempted it. But such a Resolution would have been too hazardous unless secure of being adopted. Beyond that it may not be possible for any Resolution in either House to shake or influence the concert at this moment. It may, no doubt, be put an end to if Russia, intent on other cares, no longer feels inclined to uphold it. The voice of Germany at any moment may dissolve it. It does not seem that Austria is much disposed to recognize its cogency. But long reflection has convinced me that its proper grave will only be discovered in the Ministerial cessation of its author, who does not sit among your Lordships. On that account, Motions with regard to it are less important than they might be otherwise. It is useful—if I am not deceived—to ascertain, as this Notice will, how far the concert stands upon a Treaty as the concert of the Three Powers was formed on one after the events of 1815. But no one ought, on that account, to overlook the certainty that a more stringent agency is requisite to bring back the Continental world either to salutary aims or to legitimate alliances. The noble Lord concluded by moving the Resolution of which he had given Notice.

Moved, That an humble Address be presented to Her Majesty for any protocol or treaty which forms the basis of the European concert alluded to in several despatches.—(*The Lord Stratheden and Campbell.*)

EARL GRANVILLE: My Lords, the noble Lord has given reasons why he should not make a Motion which he has not made because he believes this one is sure to be adopted by your Lordships. I doubt that for reasons I shall give. The noble Lord has moved for any Treaty or Protocol which forms the basis of the European Concert alluded to in several despatches. That concert is based, as far as regards that which is commonly called the Eastern Question, on tradition, on the Treaty of Vienna, on the Treaty of Paris of 1856, on that of London of 1871, and on that of Berlin of 1880, and, finally, on the acceptance by all the Powers of the Circular of May 4, which was issued by Her Majesty's Government soon after our taking Office. All these documents have been already presented to Parliament, and it therefore appears somewhat difficult to accede to the Motion of the noble Lord. I have followed the speech of the noble Lord with very great attention; but I am not quite sure that I have been able to master the drift of it. What is the bearing of it? The noble Lord seems to be more Turk than the Turk himself. He objects to an arrangement to which the Turks have agreed, and which I believe they are determined very loyally to carry out. He objects also to the concert of Europe at the very moment when that concerted action has settled two questions of no inconsiderable difficulty. And while he appears to object to the apparent want of harmony in the European Concert, he suggests, in order to make it work more easily, greatly to increase the number of the Powers who have formed that concert. I think it would be better, if, instead of trying to follow very literally what the noble Lord has said, I give to your Lordships a very short statement of what has passed with regard to the Greek Frontier Question. The noble Lord dwelt at considerable length on the merits and demerits of the present Frontier. Notwithstanding his opinion, and notwithstanding the opinions of Lord Stratford De Redcliffe, I believe that Frontier is one that cannot be defended. It is not, however, necessary to trouble your Lordships with the history of the settlement of that Frontier after the War of Independence in 1832. Great objections were raised at the time to that Frontier by the Greeks, by the most sagacious candidate for their Throne, and by eminent statesmen in this country. Those objections have not been disproved by subsequent experience. The existing Frontier has not been successful either as regards Turkey or Greece. It has been a settlement singularly favourable to brigandage on both sides, and a fruitful cause of quarrels verging upon war between the two countries. It was in September, 1876, when Servia and Montenegro declared war against Turkey, that the Greek Government called upon Her Majesty's late Government for some promise that the question of the Greek Provinces should be dealt with at the negotiations which seemed likely to take place at Constantinople; and again at the end of the year a similar request was made when the Conference took place. The answers from the noble Earl (the Earl of Derby) as Secretary of State, and of the noble Marquess (the Marquess of Salisbury), Plenipotentiary at Constantinople, were of a courteous, but negative character. In 1877 Russia declared war against Turkey. The Greeks renewed their application to the British Government. Assurances were given that, when the time came, Her Majesty's Government would do their best to secure reforms for the Greek Provinces. But, in the meanwhile, prudence was recommended in the interest of the Greek population. When in July the Russians had passed the Balkans, fresh movements began on the part of the Greeks on the Turkish Frontier; the Turks complained and threatened; and Her Majesty's Government exercised pressure upon the Greek Government to prevent their involving their country in a ruinous war. The Greeks agreed to do nothing at that moment; but when Plevna surrendered on the 10th of December, 1877, there was a fresh movement. The Russians and the Turks, however, agreed to the basis of a peace. The Turkish Fleet made a threatening movement. The French as well as the British Government gave advice, the results of which were the withdrawal of the Turkish Fleet to Volo, and of the Greek Forces within their Frontier, and, after some further negotiations, the withdrawal of the volunteer bands. In March, before the meeting of the Congress, the noble Earl (the Earl of Derby) told the Greeks that they were fairly entitled to be represented at it. In April, the noble Marquess (the Marquess of Salisbury) held the same language. He inquired from the Turks, without success, whether they were prepared to agree to a Frontier line (about equivalent to the Frontier of the present Convention, although giving a little more of Epirus and a little less of Thessaly); and when the Congress met in June, the noble Marquess proposed and carried, with a modification, the admission of a Greek Representative. It was at this time that the French Plenipotentiary took a leading part in the discussion with regard to Greece. M. Waddington, in common with the Plenipotentiary of Italy, submitted the following proposal:—

> "The Congress invites the Sublime Porte to arrange with Greece for a rectification of frontiers in Thessaly and Eprius, and is of opinion that this rectification might follow the valley of the Salamyrias (the ancient Peneus), on the side of the Ægean Sea, and that of the Kalamas, on the side of the Ionian Sea. The Congress declared its confidence that the interested parties would succeed in coming to an agreement. At the same time, it declared, in order to facilitate the success of the negotiations, that the Powers were prepared to offer their direct mediation to the two parties."

The Protocol which recorded this proposal thus laid down a line very similar to that originally recommended by the noble Marquess, only it extended it considerably by naming the valleys instead of the rivers to indicate the Frontiers. This Protocol was practically embodied in the Treaty of July, in Article 24. A long correspondence followed, during which M. Waddington proposed immediate mediation, to which Her Majesty's Government objected as being premature; but at last, in December, 1878, the Turkish Government assented to a meeting of Turkish and Greek Commissioners at Prevesa. They met five times, but without any result. M. Waddington then proposed a Conference at Constantinople, which was objected to by the noble Marquess. But Turkish and Greek Commissioners met at Constantinople without coming to any better agreement. Almost M. Waddington's last act before resigning the Foreign Office was to propose a modified Frontier, leaving Janina to the Turks and giving Metzovo to the Greeks. To this the noble Marquess (the Marquess of Salisbury) objected, recommending the question to be settled by a local inquiry, and proposed that an International Commission should meet on the spot. After some objections on the part of the French

Government this was agreed to. But this idea was not carried out on account of the delay in getting any answer from the Turkish Government. This was the state of things with which we had to deal when Mr. Gladstone had formed his Administration. With regard to the Treaty of Berlin, which we did our best to carry out, we found that certain important conditions had been fulfilled affecting Austria and Russia, but that besides the question of Armenia and the administration of financial reforms in European Turkey there were two Frontier questions, one that of Montenegro and the other that of Greece, which had not been resolved, both of much difficulty, both involving some sacrifice on the part of Turkey, and each the possible cause of complications which might extend much further. I need only deal with the Greek Frontier Question this evening. Her Majesty's Government on the 4th of May proposed to the Powers to call upon Turkey to reply at once to the proposal of the noble Marquess (the Marquess of Salisbury), which had been presented to the Porte by all the Powers. But the French Government urged that this would not be sufficient. They proposed that there should be a meeting of the Commissioners at once outside of Turkey. We proposed that an option should be given to Turkey, which, however, was objected to by France; and finally our suggestion that, instead of the meeting of Commissioners outside Turkey, the Ambassadors at Berlin should discuss the question, was agreed to, and an intimation to that effect was conveyed to the Porte. The French Government, in the meanwhile, proposed to us a line which would have brought the Frontier beyond Mount Olympus. This appeared to us to go beyond the Protocol. Sir Lintorn Simmons went on a confidential visit to Paris to confer with M. de Freycinet, who consented to modify his views. We informed Lord Odo Russell that we desired to adhere generally to the geographical indications given in the 13th Protocol of the Congress of Berlin. We did not wish to annex to Greece any members of an unwilling Mussulman population, while we desired to give relief to the Greek-speaking inhabitants so far as they were collected in a sufficiently defined district. The French Representative made at the Conference the proposal which was afterwards adopted. He was supported by Italy and by Lord Odo Russell. The Russian Ambassador proposed an extension of territory in favour of Greece, but subsequently agreed to the French proposal, as did also the German and Austrian Representatives. It has been said that the Austrian Government reluctantly consented to the line of the Conference. But Sir Henry Elliot reported a conversation with the Austrian Foreign Minister, in which the latter expressed a fear that Count Szechenyi had not sufficiently shown their satisfaction with it. The Frontier lines proposed by Turkey and Greece, respectively, were rejected by all the Plenipotentiaries. The Turkish Government protested against this Berlin Award, which, however, had been unanimously described by the Powers as in conformity with the spirit and terms of the Treaty and 13th Protocol of Berlin. The Turkish protest had no effect. Her Majesty's Government urged strongly upon the Turks their acceptance of the settlement. M. de Freycinet said that it was out of the question to re-open negotiations, and that the decisions of Berlin were irrevocable. Germany, Austria, Russia, and Italy all held that it must be maintained, and the Turks were so informed. If this attitude on the part of the Powers had been continued, I may be wrong, but I have no doubt myself that the question would have been settled according to the decisions of the Congress and of the Conference of Berlin. I believe, as I had occasion to state at a subsequent period to the Greek Government, that it is impossible for a country of no preponderating strength to resist the will of Europe when firmly and unanimously expressed on a matter affecting the question of maintaining peace. But it cannot be denied that a change occurred in the circumstances of the case. Germany and Austria had always declared that they would not exercise force. The French Government, who had taken the leading part at the Congress and Conference of Berlin, who had urged both upon the noble Marquess (the Marquess of Salisbury) and upon ourselves greater activity, who had only consented to a Naval Demonstration about the Montenegrin Frontier on the condition that the same measure should be applied for the settlement of the Greek Frontier Question, who had held encouraging language to Greece, and had, as the Greeks alleged, promised the loan of officers and of arms to her, became aware how strongly opposed the feeling of the French nation was to any energetic action on behalf of Greece. I make no complaint of this change, which took place first under M. de Freycinet, and still more markedly under M. Barthélemy St. Hilaire. It would have been difficult for them to act in opposition to what was evidently and incontestably the general feeling in France. National feelings of the same sort very strongly influenced the Austrian Government, which, with Germany, had always declared that they were not themselves disposed to use force in the matter; and it must be also admitted that the Albanian difficulty proved to be stronger than it had appeared either at the Congress or at the Conference of Berlin. In these circumstances Her Majesty's Government had to consider carefully what their duty was towards Europe and towards Greece. We had all along most scrupulously avoided, as the Greek Prime Minister has since acknowledged, promising any support to Greece further than what was implied by our joint action with all the other Powers at Berlin. On the other hand, we firmly adhered to our resolution not to abandon the Conference line until we saw some satisfactory substitute, and we declined to exercise pressure upon Greece unless we could assure her of compensation for her self-control. As to the concert of Europe in this matter, we never despaired of its maintenance, and the result has proved us to be right. After many communications the French Government decided to take further action in the matter; they proposed arbitration. We stated that we were not sanguine as to the result on account of the dispositions of both Turkey and Greece; but we gave our willing co-operation to the attempt, as did all the other Powers. It failed from the unwillingness of either of the two parties to agree to defer unconditionally to the award of an arbitration. We then proposed to Germany to take a more active part than she had hitherto done. We were encouraged by the other Powers to do so, and, at the same time, assured that there was little chance of our obtaining success; but we persevered. Prince Bismarck has always minimized the interest which Germany takes in the Eastern Question; but it was always obvious that a great military Empire in the centre of Europe could not really be indifferent to it. This was shown by the preponderating part which Prince Bismarck took at the Congress of Berlin. It has been shown by the important help that he has since given to the settlement of the question. At first he answered our approaches with great caution; but, after some further communications, Mr. Goschen was instructed to stop at Berlin on his way to Constantinople. He then succeeded in coming to a perfect understanding with the Chancellor as to the course to be pursued; and although this programme was, owing to circumstances, somewhat departed from, the result has been a satisfactory arrangement of this most difficult and dangerous question. A Convention was signed between the Powers and Turkey, with an Annexe relating to the evacuation, and a general Protocol of the proceedings. A similar Convention will be signed by Turkey and Greece, and both countries are already engaged in preparations for carrying it out. These documents describe the new Frontier line; they provide, as I proposed in a despatch of June last year, for religious liberty and the enjoyment of rights of property by Mussulmans. They provide for a Delimitation Commission, composed of Delegates of the Powers, of Turkey, and Greece, and for the nomination of Military Delegates as a Commission to act as the intermediaries for the evacuation by the Ottoman authorities and the taking over by the Hellenic authorities of the ceded territories. The evacuation is to take place by portions, and is to be accomplished in five months. We have now no reason to doubt that both countries are working honestly to carry out the arrangement. I cannot pretend that we have obtained for Greece all we should have desired to do; but they have little to complain of in a result which is much due to their own energy, spirit, and, at the same time, self-control, while I hope we have much contributed to it by our persevering support, aided by the co-operation of Europe. We always abstained, as the Greek Prime Minister has himself acknowledged, from giving Greece the slightest encouragement to expect any support from us further than that implied by our joint action with the Powers in conference at Berlin; but, on the other hand, we refused to depart from the award of the Conference until we saw some satisfactory substitute placed in its stead, and we also refused to exercise any real pressure until we were able to promise Greece some real compensation for the sacrifice she was called upon to make. Greece has obtained, by the present arrangement, without having recourse to the *ultima ratio* of war, an addition of more or less 5,000 square miles, being about two-thirds of the Berlin Award, an addition of about 50 per cent to their present territory, an addition greater in extent than that obtained by Germany at the end of the Franco-German War, Provinces of great fertility, with, for the most part, an excellent military Frontier. She has regained very nearly the limits of ancient Greece. This last consideration, I cannot help thinking, ought to be a stimulus to a spirited, energetic, and intellectual race. They cannot appeal to history to show that with such limits a country cannot become famous. Possible complications among the Powers have been averted, great and obvious difficulties for Turkey and Greece have been removed. We have every reason to hope that the relations of the two countries may be for the future on a much more satisfactory footing. I cannot sit down without taking credit for one act of Her Majesty's Government, I mean the retention of Mr. Goschen as special Ambassador at Constantinople during the last year. It required considerable pressure to induce him to accept an appointment in a line to which he had not been accustomed. He undertook it at some self-sacrifice, which, however, must be fully compensated by his conviction that he has greatly contributed by his ability, sagacity, industry, and firmness to the accomplishment of a task which we were told was impossible, which we thought difficult, but which we are justified in saying has been brought to a successful end.

LORD HOUGHTON said, he wished to express his satisfaction at the general result that had been arrived at with regard to the Greek Frontier. The noble Earl who had just spoken had given the House a succinct, a clear, and an interesting account of the steps by which that result had been reached. The noble Earl, however, had not fully explained how it was that the Berlin Conference had promised to give so large an accession of Frontier to Greece without having previously obtained, he did not say an express declaration of consent, but some assurance from Turkey that would have afforded a reasonable hope that the Porte would yield upon the point. Nothing could have been more easy than for the Great Powers, acting in combination, to have forced Turkey to have conceded the point; and if the Porte had declined to give such an assurance, Constantinople itself might have been occupied, inasmuch as Turkey was absolutely helpless in the matter. As it was, the hopes of the Greeks had been excited by the assurances of the Powers; but when the time came for Greece to assert her claim to an extended Frontier, the Powers told her that they could give her nothing but moral support. He entirely agreed with the noble Earl, however, that the arrangement that had now been come to was a satisfactory one, even to Greece herself, because it would not have conduced to her future prosperity to have acquired dominion over a large Mussulman population. He should have been glad, however, if his noble Friend had been able to give the House a more definite explanation with regard to the Albanian difficulty. The true policy of the Turkish Empire was to concentrate itself within the territories occupied by its loyal subjects. Although he acknowledged the excellence of the diplomatic influence which had brought about the result described by the noble Earl, he was afraid that the Eastern Question still remained as difficult and as dangerous as ever.

THE MARQUESS OF SALISBURY: My Lords, it is not necessary that I should trouble the House with many observations, inasmuch as I agree almost entirely with those which have fallen from the noble Lord who has just sat down. With the result which has been arrived at in reference to the Greek Frontier I have no reason to be dissatisfied. Nevertheless, if it were worth while for anyone to undertake to criticize the action of Her Majesty's Government in connection with that matter, I think that that action is open to criticism, in respect of the circuitous route by which the result has been reached. If I were disposed to bring any charge against the Government in reference to this question, it would be based on the haste with which, immediately after their accession to Office, they determined on offering so large a Frontier to Greece, without having previously ascertained whether it was probable that such an offer would be acceptable to Turkey. The proposal made at the Berlin Congress was not made with the consent of Turkey, and in that respect I think that the action of the Congress was of doubtful expediency. We did not think it wise to separate ourselves from our Allies. Lord Beaconsfield gave his assent to the particular Frontier suggested; but he did it in very guarded terms, because, not having the advantage of knowing the manner in which Turkey was disposed to receive the proposal, and, still more, not having the great benefit of the criticism which the local knowledge of the Turkish Plenipotentiaries would have enabled them to offer, there was a danger that the particular Frontier suggested by M. Waddington could not, in practice, be carried into effect. We, therefore, while accepting the general principle of a modification of Frontier, and joining in the expression of our willingness to offer our good offices to procure an agreement between the two Powers, felt that it was wise to accept that particular Frontier in very guarded terms. Scarcely had the Congress separated when the difficulty connected with the carrying out of that portion of the Berlin arrangement which, however vague, generally indicated a large portion of the Province of Epirus, was very strikingly illustrated. From the moment of the murder of Mehemet Ali it became clear that the Albanian difficulty was a real one, and that so long as the Albanian difficulty was in the way the obstacles to an arrangement being effected between Turkey and Greece would be of the most serious kind. The difficulty arose, not merely from the character of the Albanian nationality, from its habitude for war and the resolution it had displayed at all periods of its history, but also from the known influence which, through religious and other feelings, it had on the minds of the authorities at Constantinople. Therefore, both when M. Waddington first pressed that Janina should be included in the cession, and afterwards when he proposed that Janina should be excluded, but that Metzovo should be included, I felt that such proposals contained in them a danger to the peace of Europe, and that France was pursuing an injudicious course in pressing for the inclusion of any considerable portion of Epirus in the proposed cession to Greece. There was already before the Powers—I am not sure whether the Government have any record of it or not—a proposal by the Italian Consul which was very much in effect the result at which the Powers have now arrived; and it was felt by us at the time that there was great wisdom in the escape from the difficulty of the case which he suggested, because the proposal was based on this—that whereas Epirus was inhabited by a Mahomedan population attached to the Turkish connection, and averse to union with Greece, Thessaly was principally inhabited by a Greek population, who desired nothing more than to escape from Turkey and become united with Greece. Knowing the circumspection of the noble Earl opposite, I think that if he had allowed a little time to elapse until his Agents in foreign parts could inform him of the state of feeling and the circumstances of that country, he would not have committed himself to the very extravagant line of Frontier which was suggested by the Conference of Berlin. And although I do not say that any very great evil has ultimately resulted from the somewhat undignified position in which the Powers of Europe placed themselves, still I think it is a misfortune that Europe should have declared a thing to be irrevocable which was ultimately revoked, and that Europe should have strongly insisted on its will in a matter on which that will was eventually disregarded. The friction, too, arising from exciting such hopes on the one side and such great apprehensions on the other was calculated to add considerably to our unpopularity with the Sultan and his Government to which those proceedings led. It also tended to detract materially from the gratitude of the Greek population for the result which has been arrived at. Therefore, it is rather on account of the incidental and collateral consequences of the negotiations, and their effect on our position and influence at Athens and at Constantinople, than on account of their bearing on the ultimate territorial result, that I deplore the haste with which the proposals made at the Conference of Berlin were adopted. Congratulations were expressed at the time on the great rapidity with which that decision was reached. I confess I think it affords rather an illustration of the truth of the proverb —"The more haste the less speed." Although I do not contest that the results at last attained have been in the main satisfactory; and although I am far from denying that these consequences are very largely due to the ability and the judgment which Mr. Goschen displayed in the duties which he undertook—and I believe that men of all Parties will join in congratulating him on the result of his labours —I cannot agree with the noble Earl when he cites all this history as a signal and satisfactory proof of the value and efficiency of his favourite idea of the European Concert. I think that the concert of Europe has been proved to be an admirable instrument as long as words and negotiations are concerned, but that it has absolutely broken down whenever it came to deeds. When diplomatic pressure was to be put upon the Turkish Government to induce it to adopt that line of Frontier, the European Concert was very fairly maintained — at least, to all external appearance. But when it became necessary to resort to more stringent measures, the European Concert gave way, because, as the noble Earl said, all the Powers were not equally sincere in their desire that the results of the Conference should be carried out. But that is the difficulty which the European Concert always has to meet. If the Powers were all equally sincere, it would, undoubtedly, be an instrument of unsurpassed vigour and efficiency. But its very nature, involving, as it does, the consent of so many Powers differently situate as to their interests and as to the Constitutional authority by which they are guided, makes it always a matter of the extremest difficulty to bring them to join in any practical action; and, consequently, for ordinary purposes of European government, it is a resource on which it would be unwise to rely. The noble Earl cites these transactions as grounds for believing in the authority of the European Concert. For my part, I confess that, if I correctly followed his remarks, I think they are rather grounds for believing in the authority of Prince Bismarck; and if the noble Earl asks me to believe in that means of settling European difficulties, I am disposed to agree with him, and I hope that Prince Bismarck's authority will always be applied in an equally satisfactory manner. I cannot pass from this subject without expressing the hearty congratulations—which, I am sure, will be concurred in by all Parties among us— to the Greek nation on their improved prospects, and the career which seems to be opened out to them. The noble Earl spoke, I think, with great wisdom when he pointed out that it is now impossible for anybody to say that full play to Greek energy and enterprize has not been afforded by the territory which has been assigned to them by Europe. The friends and the enemies of Greece alike must feel that if in future Greece does not answer the anticipations which so many in Europe have enthusiastically formed about her, it will be only on herself and on her own population that the responsibility must fall. I earnestly hope that any evil forebodings in that respect will not be justified by the event, and that the Greeks may show a splendid contrast to the Turkish administration which they replace. But whether Greece be successful or not, I still would urge on this House and on Her Majesty's Government not to place on it too confident or too exclusive a reliance as a means of resisting that onward march of Slavonic encroachment which so many nations in Europe have reason to apprehend. I fear that the day when small nations, however excellent their spirit, however free their institutions, can oppose an effective barrier to the encroachments of great military Powers has passed or is rapidly passing away. The whole course of modern history, if we look back to it, shows you a process of consolidation incessantly going on— small nations constantly disappearing, and large nations growing more and more powerful and menacing. And every assistance which the advance of science gives to the concentration of vast armies gathered from a widely extended population on a single spot adds to the difficulties with which small nations have to contend in maintaining their place against the greater Empires. If it were possible to hope that any such thing as a federation of the heterogeneous nations which make up the Balkan Peninsula could ever be formed, perhaps on such a defence some expectations might be based. But I do not think that anybody can believe that so unlikely an amalgamation can take place. And in the absence of it you must not trust—however much you may admire the qualities which distinguish the Greek race—you must not trust to small nations of that kind effecting the objects which even a nation like Turkey, with all its military power, is unable to secure. It is for you to maintain an unceasing vigilance for English interests which English power is alone able to sustain.

The Earl of ROSEBERY said, the noble Lord (Lord Houghton) complained that the Government had not consulted the Turks before they made any proposition on the Greek Frontier in the Berlin Conference. The noble Lord and the noble Marquess (the Marquess of Salisbury) professed to be extremely surprised at the course of proceedings; but he would have thought that the noble Marquess, who knew more of Turkish feeling than any person in that House, would have been the last person to express that surprise. Suppose the course had been taken that was suggested, and that the Government had waited to consult the Turks as to whether they wished or did not wish the surrender of these Provinces to Greece, what would have been the result? It was shown in every page of the Blue Books that the Turks, who had not lost their cunning, would have been able to prevent the solution of this problem. The noble Marquess had also said something as to the haste or rashness of the Government, on entering Office, proposing the cession of territory to Greece. He did not know as to the cession; but he believed they did lay before the Porte a proposal for a Conference to settle this matter. The Conference met, and the noble Marquess complained that the Government went behind to carry out the decisions of the Congress; and said that the policy pursued by Her Majesty's Government, if not discreditable, at least ended in a fiasco, because it caused the decision of the European Concert to be disregarded. But look at the alternative which the noble Marquess suggested—namely, that Her Majesty's Government should proceed with the Conference, that the Powers should meet, and then, after arriving at a solemn decision, retrace the decisions at which it had just arrived. It did appear to him that if there was one way of bringing the European Concert into contempt, it was the way suggested.

The Marquess of SALISBURY: I never proposed that the Government should depart from the European Concert; but I said it would be wiser, before settling at the Conference the proposal which was made by myself and France, that the Government should obtain a greater knowledge of the feelings of the Turkish Government and population, with respect to whom that proposal was made.

The Earl of ROSEBERY said, the feelings of the Turkish Government were very well known; but he was sorry he had mistaken the meaning of the noble Marquess, because he understood him to have imputed rashness to the Government. The European Concert had been a good deal flouted that night, and the noble Lord who had introduced the subject said the smaller Powers of Europe were not admitted. They could only congratulate themselves on the proceedings of the European Concert. No one believed that Turkey would have given up an acre or a rood of ground if it had not been for the European Concert; and how could the Montenegrin question have been settled if not for the European Concert? When it was remembered that the European Concert had resulted in the settlement of the Dulcigno and Greek difficulties, it seemed to him strange that they should hear the same complaint proceeding from the same quarter. He had read the Blue Book submitted to their Lordships, and he must congratulate the Government on its contents. It was not merely that they had extremely interesting despatches from Mr. Goschen, which breathed throughout common sense and determination, and which showed that had it not been for the policy of determination pursued by the Government, together with the European Concert, this concession would not have been fulfilled. The Government, no doubt, would have been glad if the decision of the Berlin Conference could have been adhered to; but the Committee over which he presided—the Greek Committee — without acknowledging that the largest possible accession of territory to Greece had been obtained, saw that it was a fear for the consequences to the peace of Europe that led to that decision not being carried out. He did not believe, however, that any Member of that Committee, or that any subject of the King of the Hellenes, could read those Blue Books, and not acknowledge that the utmost possible concession of territory had been obtained from Turkey by the exertions of Her Majesty's Government. He did not know that any course of action could have obtained a better result for Greece, because it was all very well for those who belonged to what the noble Lord called the Hellenic Party to refer as to what were the limits of their wishes and aspirations; but it was the duty of the Government to look first to the great interest of the Empire—especially in this question. What was their interest in this question? Surely it was the European Concert, which had been so much decried that night. There was one Power who thought moral compulsion should be applied to the Porte. Well, moral compulsion applied to the Porte usually produced immoral results—that was to say, no result at all. He tendered his congratulations to the noble Earl (Earl Granville), not merely for having given an adequate concession of territory to Greece, and not merely for having preserved the peace of Europe, but also for having kept together a most splendid yet efficient instrument—the European Concert.

The Earl of KIMBERLEY said, he thought it singular that the noble Marquess, who complained that the Government had not first ascertained the views of the Powers and nationalities concerned, had himself afforded an instance of the success that might have been arrived at in that way when he acted in accordance with his own principles in 1878. Singularly enough the noble Marquess then suggested as extensive a line as was afterwards proposed at the Berlin Conference; but what became of that proposal? The noble Marquess practically got no answer on it from the Porte. That was what always happened in negotiations with the Porte. The initiatory proceedings in this matter were of more importance than any subsequent transaction could be; and by the original proceeding at the Berlin Congress Greece was led to expect that she might have a large extension of territory. The noble Marquess has accused the present Government of having acted with haste. The noble Marquess, however, after setting his hand and seal to that which was the commencement of the whole affair, left this question for two years without any progress being made; and it seemed to him (the Earl of Kimberley) that it was then a matter that required some haste, because if haste had not been shown in resuming it there might have been war in the East. The Government, in proposing that the matter should be resumed, were simply acting in accordance with the 24th Article of the Treaty of Berlin. The noble Marquess could not refrain from making his usual protest against the European Concert. The noble Marquess appeared to have a singular idea of diplomacy. For his own part, he had always regarded diplomacy as a contrivance for avoiding the application of force; but the noble Marquess seemed to think that diplomacy was useless without a resort to force. It was not often that the great European Powers could be induced to unite in order to employ force. If they indeed united with that object they would be all-powerful, and there would be no more wars. The real use of the European Concert was to bring diplomatic pressure to bear, and, in the present case, that pressure had been brought to bear most satisfactorily. He was not sanguine enough to hope that the European Concert could operate universally to solve all international difficulties; but, nevertheless, if its efforts were successful in a few cases only, they would be highly beneficial to Europe; whereas if questions were left to the action of only one or two of the Powers, he should despair of preserving the peace of Europe.

Lord STRATHEDEN and CAMPBELL, in reply, said: My Lords, I shall only detain the House by one or two remarks the noble Earl the Secretary of State for Foreign Affairs has rendered necessary. Although absolving him from blame, I was not aware, as he supposes, that I had lavished eulogy upon him. But now, at least, he has well merited the praise of courage in venturing to set up his own authority against that of Lord Stratford de Redcliffe on such a point as the Greek Frontier. He has also won a title to the character of prudence in not attempting to-night to uphold the European Concert against the various reproaches it elicits. The noble Earl professes inability to understand the drift of all my former observations. It may be resumed in a minute. I indicated that the Conference at Berlin was a flagrant and unpardonable error, which nearly led to war between Greece and the Sublime Porte; that the Greek Frontier was arranged at last, as it might have been at first, by German influence at Constantinople; that unless the so-called European Concert is dispelled the arrangement cannot be a lasting one; that it ought to be abandoned upon every ground which just ideas of foreign policy suggest to us. It now appears to be devoid of any special Treaty to consolidate it; so that, although the Motion is withdrawn on that account, it will not have been useless. Some noble Lords have been betrayed to-night into a rather intricate discussion on the merit or the inconvenience of the concerts organized in Europe. Let me suggest to them a practical criterion when any system of the kind is offered to their notice. Let them inquire and ascertain whether the concert is designed to check aggressive power, or, on the contrary, to aid it.

Motion (by leave of the House) *withdrawn.*

ARMY—DESERTIONS.

OBSERVATIONS.

Lord STRATHNAIRN said, he rose to call attention to the statement made by the Under Secretary of State for War on the 20th of June, that desertions had fallen to 2,000 a-year under the short-service system, whilst a War Office Return laid before the House on the 19th of February 1880, gives the following result:—In 1874 there were 5,572 desertions, in 1875 there were 4,382, in 1876 there were 4,878, in 1877 there were 5,058, and in 1878 there were 5,406. These figures showed an annual average of 5,059 desertions, or more than 300 per cent than had been stated by the noble Earl.

The Earl of MORLEY said, he thought he might save the noble and gallant Lord trouble by at once stating that what he had said on the occasion referred to, as the noble and gallant Lord had, unintentionally, no doubt, completely misrepresented him. The words he used were—

> "In five years of long service, from 1866 to 1870, inclusive, deducting those who rejoined, the desertions averaged 2,158, and in an equal period of short service they averaged 2,460, being a yearly increase of 302."

Lord STRATHNAIRN said, that direct desertions from regiments had been always considered a very serious crime and dangerous, and an indication of bad discipline and feeling, want of *esprit de corps* when it became extensive. But it was not astonishing, for all officers of regimental experience, not the experience of officers who had served on the Staff only, and authors of one-sided articles in periodicals, but the officers who had studied and knew the feelings of their men, their weak points, and their good points, had all along predicted that short service—that was, general service, which changed the soldiers continually from regiment to regiment, which offered no military future, but only 6*d.* a day for six years, with no prospect but a very uncertain civil employment, and then left them on the *pavé* with nothing at all—could engender nothing but distaste for the Service. All the commandants of depôts that he had seen concurred in saying, speaking from their own experience and that of their recruiting staff, that the Service and recruiting had no worse enemies than the short service and Reserve discharged soldiers, and used language respecting both which would not bear repetition. But while these authorities gave these opinions as to short-service soldiers, they held very different opinions of the old pensioners, who, they said, were the best recruiting sergeants, because they advised the adventurous spirits of their districts and villages who they knew would make the best soldiers to enlist and serve the Queen faithfully in all those varied climes and countries where the English soldiers' lot led them, to obey their officers, and do their duty to their Queen and country, and before the enemy at any sacrifice; and then, if spared from death by climate or war, to return to their homes to independence from the workhouse given them by a generous country and grateful Sovereign. The second class of desertions was that from one regiment to another, and to many other regiments. But the worst remained to be told, and that was the most dangerous—fraudulent enlistment. Statisticians said it applied to no less than one-third of the Army. He referred to recruits who swore that they were of the proper recruiting age when they were under that age. What chance had our youthful Army enlisting at 18 years of age, and then deluged up to one-third of their strength by perjured boys from 18 to 15, whose strength, when heavily loaded, was certain to collapse in marches and operations of war, and with it their moral powers and their courage? They had reinforced the Army by a Reserve which was not to fight except in wars with a foreign Power or in distant India. In either of these cases civil employment, the means of the existence of this Reserve, disappeared, and with it the Reserve. They had given the officers of the Army an education half military, half civil, and the half civil tainted by the competitive study of immoral and debasing literature—an education which he had repeatedly told their Lordships no honest Englishman would give his children.

THE EARL OF **MORLEY** said, it was unnecessary to answer the speech of the noble and gallant Lord, inasmuch as it was based upon an unintentional misinterpretation of a speech which he made in their Lordships' House a few days ago. The point in which the noble and gallant Lord had misunderstood him in speaking of desertions was in reference to the men who, having deserted, had rejoined the Service in other branches. He had not used the words "to other branches," which would obviously be inapplicable. What he said was that in five years preceding the short service, deducting those men who rejoined the Army, the average annual number of desertions was 2,158, and since the period of the short service 2,460, making an increase of 302. These figures were absolutely correct. It was, if he might say so, absurd to talk of waste in the Army without taking into account the total number of deserters who rejoined.

PETROLEUM (HAWKING) BILL [H.L.]

A Bill to regulate the hawking of Petroleum and other substances of a like nature—Was *presented* by The Earl of DALHOUSIE; read 1ª. (No. 139.)

House adjourned at Eight o'clock,
till To-morrow, a quarter
before Five o'clock.

HOUSE OF COMMONS,

Thursday, 30*th June*, 1881.

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Entailed Estates Conversion (Scotland) [203].

Committee—Land Law (Ireland) [135]—R.P.

Committee—Report—Metropolitan Open Spaces Act (1877) Amendment [9-202].

Third Reading—Presumption of Life (Scotland)* [191], and *passed.*

QUESTIONS.

CUSTOMS—THE PORT OF EXETER.

MR. **NORTHCOTE** asked the Financial Secretary to the Treasury, If it is the fact that the Board of Customs have declined to recommend to the Treasury that Exeter should be made a testing port; are the Treasury aware that only eleven ports and bonding towns in the United Kingdom contribute a larger Customs Revenue than Exeter; is it correct that the bonding towns of Plymouth, Southampton, Newhaven, Folkestone, and Gloucester contribute altogether less Customs Revenue than Exeter alone, and that the total revenue of the last three towns is less than the amount of duty on direct importations into Exeter in spite of the difficulties raised by the Customs as to the transshipment of cargoes from the Bight through the Exeter Canal; whether the Treasury are aware that great expense is entailed on the Crown and on the wholesale wine and spirit merchants of Exeter through the necessity of sending samples to Plymouth to be tested; can he state what would be the cost of making Exeter a testing port; and, would it exceed that already necessitated by keeping officers from other ports at Exeter for considerable periods of time at extra charges of subsistence; and, will he reconsider the decision stated to have been arrived at by the Treasury on the Customs advice?

LORD **FREDERICK CAVENDISH**: The question of making Exeter a testing port has been carefully considered, and we have come to the conclusion that no case has been made out for doing so. The statements in the Question are only partly accurate, the duty on direct importations into Exeter being only about £20,000 a-year, or much less than the total revenue of the three towns which he names. Testing is a technical operation, and should be carried on at as few places as possible, and the places selected are those where it can be carried on most conveniently and economically. No appreciable expense to the Crown is caused by Exeter not being a testing port, nor am I aware that the merchants are put to any expense by it, although some slight delay is doubtless caused. It would cost about £200 a-year to make Exeter a testing port, and there would be no compensatory reduction; the extra charges alluded to in the Question will cease when a vacancy is filled up.

Mr. NORTHCOTE said, that, as his information was different from that of the noble Lord, he should put a further Question to him on Monday.

ARMY—THE AUXILIARY FORCES—THE VOLUNTEER REVIEW AT WINDSOR.

Mr. SCHREIBER asked the Secretary of State for War, Whether, on further consideration, he will put himself in communication with His Royal Highness the Ranger of Windsor Park, in order that the same facilities which have been granted on former occasions may be afforded to both Houses of the Legislature to testify by their collective presence at the forthcoming review on the 9th of next month the interest which they take in the Volunteer force of the Country?

Mr. CHILDERS: I have on a previous occasion informed the House, in reply to the hon. Member for Poole, that this matter is not under my control; but I may now add that, in my opinion, it would not be desirable to have inclosures or stands for the two Houses, and the many others who would claim a similar privilege. It is true that at the Windsor Reviews before 1877 tickets to reserved places were issued, but not at subsequent Reviews.

SOLWAY FISHERIES ACT—LEGISLATION.

Mr. ERNEST NOEL asked the Secretary of State for the Home Department, Whether the Government are prepared to introduce a measure to repeal or amend the Solway Fisheries Act, so as to put the inhabitants of Dumfries and Galloway on the same footing as the inhabitants of the rest of Scotland as regards the right to fish with rod and line in the rivers and streams for trout and other freshwater fish, not of the salmon kind?

Sir WILLIAM HARCOURT: A Bill is prepared on the subject, and I hope it will be introduced in the House of Lords.

FRANCE AND TUNIS—INTERESTS OF BRITISH SUBJECTS AND OTHERS.

Sir H. DRUMMOND WOLFF asked the Under Secretary of State for Foreign Affairs, Whether any arrangement has yet been concluded by which Tunisian subjects and interests in this Country have been transferred from the protection of the Turkish Ambassador and Consuls to that of the French Ambassador and Consuls; whether it has yet been decided under what jurisdiction Tunisian subjects and interests are to be placed in Ottoman territory; and, whether the Porte has recognised French jurisdiction under the capitulations in civil and criminal cases in the Ottoman territory in which Tunisians are involved alone, or with the subjects of a third Power?

Sir CHARLES W. DILKE: No arrangement has been concluded as to the transfer of Tunisian subjects and interests in this country to French jurisdiction, and no question with regard to them has arisen. The question as to the jurisdiction over Tunisian subjects and interests in Ottoman territory will have to be decided between the Turkish and French Governments. The Porte has not hitherto recognized any such jurisdiction.

SPAIN AND ENGLAND—GIBRALTAR—THE NEUTRAL GROUND AND MARITIME JURISDICTION.

Mr. DODDS (for Mr. Magniac) asked the Under Secretary of State for Foreign Affairs, Whether an understanding has been arrived at with the Spanish Government which holds out any hope of an agreement being come to for defining the limits of the jurisdiction of the British and Spanish Governments around Gibraltar, so as to prevent the recurrence of irritating collisions between the naval and civil officers of the two nations; and, if so, whether the Papers are in a fit state to be laid upon the Table?

Sir CHARLES W. DILKE: Active negotiations are now proceeding with regard to the neutral ground and maritime jurisdiction at Gibraltar; and, as the Spanish Government have expressed their desire for a speedy settlement of these two questions, there is every reason to hope for a satisfactory result. It would not be convenient, however, to lay the Papers on the Table in the present state of the negotiations.

THE DIPLOMATIC SERVICE—RETIREMENTS.

Mr. MACDONALD asked the Under Secretary of State for Foreign Affairs, Whether the rule is still in force which obliges diplomatists to retire from the public service on attaining the age of 70; whether Sir Charles Wyke, as is reported, is about to be transferred from the post of Her Majesty's Representative at Copenhagen to that of Her Majesty's Representative at Lisbon; and, whether, before this transfer be made, he will insist upon the production of evidence to show that age entitles him to remain in the diplomatic service?

Sir CHARLES W. DILKE: When the regulation in question, which is still in force, was first made, the members of the Diplomatic Service were called upon to furnish a Report of their ages. Sir Charles Wyke, in reply, stated that he was born on September 2, 1815, and he is, consequently, now 65 years of age.

THE SASINE OFFICE, EDINBURGH.

Sir STAFFORD NORTHCOTE (for Sir R. Assheton Cross) asked the Financial Secretary to the Treasury, Whether a memorial has been received from commissioned clerks of the Third Class in the Sasine Office, Edinburgh, complaining of the manner in which their position and prospects are affected by the Treasury Minute of 27th March last, regulating the offices affected by "The Lord Clerk Register (Scotland) Act, 1879," and praying for the production of certain Reports and Papers regarding their duties, for the appointment of an open Commission of Inquiry, and for the redress of certain grievances complained of; and, if so, what steps in the matter are proposed to be taken by the Lords of the Treasury?

Lord FREDERICK CAVENDISH: A Memorial has been received from clerks of the Third Class in the Sasine Office, praying for an improvement in their position under the scheme of re-organization of the Register House Departments recently sanctioned by the Treasury. The Memorial has been submitted for the observations of the Deputy-Clerk Register before being considered by the Treasury.

EVICTIONS (IRELAND)—CASE OF PHILIP MacCABE, LEITRIM CO.

Mr. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether his attention has been directed to the case of Philip MacCabe, of Meltam, Carrigallen, co. Leitrim, who was evicted with seven in family on 28th April 1880, and who is now and has been since his eviction living with his family in a miserable little hovel made up of pieces of sticks, sods, and old straw without even a door upon it, and their furniture, comprising a box and two old chairs, have to remain outside the hut in the day-time, as there is no room for them within it; and, whether they have lived in this wretched little hut during the heavy frost and snow in January and February last, and are just now recovering from a severe attack of sickness?

Mr. TOTTENHAM said, that before the right hon. Gentleman answered the Question he desired to put another on the same subject. It was whether this man was the same Philip MacCabe who had paid no rent since 1877, and who had been proceeded against in January 1880, for two-and-a-half years rent and evicted; whether he had not been employed as a labourer for the last 10 years by the Protestant clergyman of the parish, and had been in the regular receipt of 6*s.* a week from the Land League, from which source he had received £14; whether he could not get another house if he liked, but preferred to remain in his hut because he would be able to get money from the Land League; whether it was not the fact that there had been no sickness in his family for the last six months; and whether he had some time ago taken forcible possession of his house and was ejected by the police?

Mr. W. E. FORSTER, in reply, said, that the information he had received from the Constabulary in regard to this case was that MacCabe did not live in the hovel alluded to during the winter months. In the beginning of February last, he took possession of his former residence, and was prosecuted by the police. The case, however, was allowed to drop, as he promised not to go near the place again. Since the 18th of February he had been living in the hovel. He had seven children, only four of whom were living with him, the others being hired as servants in the neighbourhood. He was daily employed as a labourer by a gentleman in the locality. At the time of his eviction he owed three years' rent. The rent of his holding was very little over the Poor Law valuation. In regard to the Question of the hon. Member for Leitrim (Mr. Tottenham), he had not had the opportunity of testing the information which was given; but he had received it from a source which he (Mr. W. E. Forster) considered to be trustworthy.

Mr. FINIGAN asked whether it would not be fair that Questions such as those put by the hon. Member (Mr. Tottenham) should be put on the Paper in black and white, in order that the right hon. Gentleman might have an opportunity of testing their accuracy?

Mr. W. E. FORSTER, in reply, said, that was a Question which ought to be put to the authorities of the House; but he might remind the hon. Member that it was by no means unfrequent that Questions, he would not say by the hon. Member himself, but certainly by hon. Gentlemen who sat round him, were put in the same way as the one of which he now complained.

Mr. PARNELL: The right hon. Gentleman has said that MacCabe did not live in his hovel during the winter months, but that he did so during the month of February; I wish to ask whether February is not a winter month?

Mr. W. E. FORSTER: Perhaps it is a question of the degree of correctness; it was since the 18th of February that he lived in his hovel.

STATE OF IRELAND—CASE OF E. J. BARRETT.

Mr. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, in reference to the case of Edward J. Barrett, telegraph clerk, of Croughwell, who is at present detained in Galway Gaol on a warrant issued by the Lord Lieutenant charging him with "writing and causing threatening notices to be received," Whether the Right honourable Gentleman has received any information to the effect that on Sunday, June 12th, several notices were posted through the village of Croughwell calling on the people to "Boycott" a "land grabber" named Clasby, who as the notice stated gave cars to the police and the Crown Prosecutor, when other car owners refused them, and that Clasby's wife when in a state of intoxication charged Barrett with writing these notices, and boasted that she would have him arrested, and so sent for the police and had a long interview with them; and in the course of the week she said that if Barrett were not arrested it would not be her fault?

Mr. W. E. FORSTER, in reply, said, the resident magistrate reported that one notice to the effect mentioned in the Question was posted on the chapel gate on the 12th instant. The resident magistrate was not aware, until the Question was referred to him, that Barrett had been threatened by Clasby's wife. Mrs. Clasby did not send for the police, as alleged in the Question. The posting of the notices on the 12th instant had nothing whatever to do with Barrett's arrest.

PEACE PRESERVATION (IRELAND) ACT, 1881—GUN LICENCES.

Mr. T. P. O'CONNOR asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Mr. Hardy, a respectable landowner, has been refused a gun licence; and, whether Mr. Fowler, J.P., gave as a reason for withholding the licence, the connection of Mr. Hardy with the Land League?

Mr. W. E. FORSTER, in reply, said, the Question did not specify in what county or district the landowner resided. The hon. Member was under some misapprehension as to the granting of licences. Local magistrates were not appointed to grant licences; but they could grant certificates to persons residing in the same petty sessions districts. The licensing officers were bound to grant licences under the certificate of the magistrate, who was not obliged to sign certificates, but used his discretion. Anybody possessing an agricultural residence, who thought he ought to have a licence, had the remedy of applying to the resident magistrate direct.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that Mr. John Kelly, Carrawimen, Ballyforan, Ballinasloe, has, on April 26th, been refused a gun licence by Mr. Paul, resident magistrate of his district, although he brought before Mr. Paul recommendations from three respectable gentlemen in his neighbourhood as to character, &c.; whether Mr. Kelly, when the late Arms Act came into force, delivered up his gun to the police, and in every way complied with the requirements of the Law; whether Mr. Paul said he could not grant him—Kelly—a licence, unless he was recommended by two local magistrates, and, on its being pointed out to him that there was only one local magistrate in Mr. Kelly's district, and, as he was not acquainted with him, he would not, therefore, recommend him, Mr. Paul then said that he should get a recommendation from the chief constable; whether the chief constable, on being asked if he knew of any reason why Mr. Kelly should not have a gun, replied that he did not know of anything against his character, but that he would not recommend him; whether he is aware that, in consequence of Mr. Kelly not having his gun, he will lose a considerable part of his crop, as there is a rookery within a quarter of a mile of his farm; and, whether, under these circumstances, he will consider the necessity of the application, and give instructions to the local authorities to grant him a licence?

MR. W. E. FORSTER, in reply, said, that he was still making inquiries. He had not yet received the resident magistrate's Report, and he was surprised that he had not received it.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — J. M'MURRAY, A PRISONER UNDER THE ACT.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that John M'Murray, a "suspect" in Kilmainham Prison under the Coercion Act, was at the time of his arrest, on the 9th of March last, a national school teacher, and in receipt of a salary from the National Board of Education; whether it is true that neither he nor his sister, who was acting as a mistress in the same school, have received any pay from the National Board of Education since his arrest; and, whether they have been given to understand, by both the inspector and the manager of the school, that none of the family will ever be recognised again by the National Board of Education?

MR. W. E. FORSTER, in reply, said, it was true that no salary had been paid to John M'Murray since his arrest on the 9th March. Salary due up to that date was not paid, as the claim for payment was imperfect. M'Murray had been informed that when the claim was perfected the salary due would be paid. His sister was not a mistress but a monitress, and monitresses were not recognized in a national school from which the teacher had been removed. This young woman held possession of the school-house, in opposition to the authority of the manager, who was the parish priest, and who had transferred the school to another place, and put it under the charge of another teacher. The Commissioners had given no authority to the Inspector nor to the manager of the school to say that none of the family would be recognized by the National Board again. The Commissioners had given no opinion as to whether the Inspector or the managers had made such a statement, and they were not responsible for what those persons said.

SAVINGS BANKS (IRELAND)—THE BOYLE SAVINGS BANK.

MR. O'KELLY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the Boyle Savings Bank is identical with the Bank conducted in Colonel King-Harman's rent office, and by his sub-agent; whether the following rule or bye law of said Bank has been brought to the notice of the Government:—

> "That any trustee or manager of this Savings Bank who has declared or shall declare in writing under his hand, deposited with the Commissioners for the Reduction of the National Debt, that he is willing to be answerable for a specific sum only, such amount being in no case less than £100, shall not be liable to make good any deficiency which may hereafter arise in the funds of this Savings Bank beyond the amount specified in such writing, &c.;"

whether he is aware that according to

Parliamentary Return, No. 157, issued in 1880, sums amounting to £30,073 16*s.* 5*d.* have been placed on deposit in the Boyle Savings Bank, on the faith of the supposed responsibility of the Government for the repayment of the sums deposited; whether in case of any deficiency arising in the funds of the Boyle Savings Bank, owing to fraud or losses from whatever cause, and the non-liability of the trustees as contemplated under approved Rule No. 33 of the same Bank, it would be the duty of the Government or of the Commissioners of the National Debt to indemnify the depositors from any loss they may sustain; and, whether in view of the existence of a Post Office Savings Bank, which affords absolute security to small depositors, within a few hundred yards of the Boyle Savings Bank, there is any public advantage in maintaining the latter institution at an annual cost to the public exchequer of £178 13*s.* 4*d.*; and, if no such public advantage exists, whether Her Majesty's Government will take steps to close the Boyle Savings Bank, and, under Act 26 Vic. c. 14, have its funds transferred to the Post Office Savings Bank, and thereby effect an annual saving of £178 13*s.* 4*d.* of the public money?

Mr. W. E. FORSTER, in reply, said, that the manager of the Bank was the same person as Colonel King-Harman's sub-agent. Under the provisions of the Savings Bank Act, any trustee or manager might limit his responsibility to an amount not less than £100 by a writing under his hand to the Commissioners for the National Debt. The name of every trustee, and the amount of their collective or individual responsibility, must be printed and posted in every place where deposits were received. It was not the duty of the Commissioners for the Reduction of the National Debt, or the Government, to indemnify depositors for loss in the case of a deficiency in the funds of the Savings Bank, except in so far as these funds had been lodged with the Commissioners. With regard to the condition of this particular bank, Parliamentary Returns showed that £30,073 had been deposited in the Boyle Savings Bank up to date; and, at the same time, the Commissioners for the Reduction of the National Debt held to the credit of the Bank £3,263. This Savings Bank had been 58 years in existence. The last audit showed a satisfactory state of its finances. This bank appeared to be in a perfectly sound and healthy condition; but he would take this opportunity of stating—what was true in Ireland as well as in England—that as regarded Savings Banks other than Post Office Banks the Government was not responsible for any sum except to the amount of that which had been deposited with the Commissioners. They had no power to close the bank.

POST OFFICE—LETTER CARRIERS.

Mr. O'SHAUGHNESSY asked the Postmaster General, If it is intended to take any steps to ameliorate the position of the letter carriers as to pay or otherwise?

Mr. FAWCETT: It will probably be in the recollection of the House that as recently as Thursday last I answered a Question to almost the same effect as that which is now addressed to me by my hon. Friend. I then stated that the various Memorials which had been received from letter-carriers and others were being carefully considered, and if I should have any proposals to make to the Treasury, there should be no unnecessary delay in submitting them. On that occasion I made an appeal, which, I think, from the manner in which it was received, was considered a not unreasonable one—that I should not be pressed to give a decision before I had had time properly to investigate the subject. I will now ask permission to make this further remark. The obvious truth seems to be too often forgotten, that if the Government increases the remuneration of its servants, the money has to be found by the general body of the taxpayers; and nothing could be more indefensible than to take money from the community to give it to a special class, unless it were found, after careful investigation, that justice demanded such an appropriation.

ARMY—PURCHASE CAPTAINS—PENSIONS.

Major O'BEIRNE asked the Secretary of State for War, Whether the Purchase Captains who happened to be on half pay at the time of the abolition of Purchase, and who are now upon full pay, will receive an additional pension of £50 per annum, bearing in mind the fact that Purchase Captains receive this extra pension by the Army Warrant that takes effect on the 1st July next?

Mr. CHILDERS: My hon. and gallant Friend cannot have heard the answer I gave to the hon. Member for Horsham (Sir Henry Fletcher) on the 23rd instant, which was in the affirmative, to a precisely similar inquiry.

AGRICULTURAL COMMISSIONS (IRELAND)—THE REPORTS.

Mr. CHAPLIN asked the Secretary of State for the Home Department, If he can state why the Report of the Assistant Commissioners for Ireland, which the Agricultural Inquiry Commissioners were informed, in a letter from the Home Office dated 18th January 1881, would be laid before the Queen and presented to Parliament, has not been issued?

Sir WILLIAM HARCOURT, in reply, said, he found, on inquiry, that this Report of the Assistant Commissioner was presented to the House; but, by some error, the printers thought that it was only the Report of the Commissioner, and not of the Assistant Commissioner, that was to be issued. Measures would be taken to correct the error.

RAILWAYS—RAILWAY PASSENGERS' COMMUNICATION.

Mr. SHERIDAN asked the President of the Board of Trade, Whether, considering that the means of communication between the passengers and guards of Railway trains at present in use is difficult to get at if a personal struggle is taking place, and considering the cases of violence and murder which occur in Railway carriages, which the present means of signalling was not contemplated to prevent, he will consider the expediency of requiring Railway Companies to adopt the following or some other efficient means of signalling in such cases, viz.:—That the footboards and handles on the carriages should be so altered that the guard can at intervals traverse the train and look into each carriage; that a square of glass should be inserted in each compartment, so that a personal struggle in one compartment could be visible in the adjoining compartments; and that, whilst allowing the present means of communication with the guard to remain, there should be, in addition, in each compartment, chain pulls which should communicate with bells in each of the other compartments of the same carriage?

Mr. CHAMBERLAIN: My hon. Friend bases his Question, among other things, on the mode of communication between the passengers and guards of railway trains at present in use; and I think it is fair to say, with reference to the London and Brighton Railway, where there has recently been a murder, that the mode of communication adopted by them appears to be the best hitherto devised, and it is difficult to see how it could be further perfected. It has been carefully considered by the Board of Trade and approved by them. My hon. Friend goes on to suggest the expediency of requiring Railway Companies to adopt certain means of signalling. I have to point out that we have no power to make such requisitions on the Railway Companies; and as regards the expediency of these recommendations, I have to say, with respect to the first—namely, that the footboards and handles on the carriages should be so altered that the guard can at intervals traverse the train and look into each carriage—I am informed that it would be impossible to make the proposed changes without a general alteration of the bridges and tunnels on many of the lines. With regard to the second recommendation—that a square of glass should be inserted in each compartment—I am informed that that has already been done on several lines, including the London and South Western. It is, however, generally objected to by the passengers, who take such opportunities as their luggage affords them of stopping up the openings. As regards the last recommendation, I have to point out that whatever difficulty there is now in communicating with the guard by means of the existing chain pulls would apply, of course, to the additional pulls that he suggests.

Mr. SHERIDAN: The right hon. Gentleman seems to have misunderstood my Question. The chain pulls which I suggest are not like those already existing which communicate with the guard, and are intended to communicate with other carriages. I should like to know whether the Board of Trade has tested this mode of communication; and, if so, how often?

Mr. CHAMBERLAIN: I perfectly understood my hon. Friend; but what I wished to point out is this—that there already exist chain pulls for communicating with the guards, and, as shown by this recent case, these chain pulls are not always accessible to passengers; probably the pull was not accessible in this case, because, in the first instance, the passenger was shot, and the same difficulty would apply to the additional chain pulls now suggested. The Board of Trade is in the habit of testing these appliances; and I am informed that the Brighton Railway Company are in the habit of testing them before and after each journey.

NAVY—THE ROYAL MARINE CORPS.

Captain PRICE asked the Secretary to the Admiralty, Whether the re-organisation of the Royal Marine Corps will take effect from the 1st July, and when will its details be made known to the House; and is any alteration in the pay of the private (Royal Marines) in contemplation by the Admiralty?

Mr. TREVELYAN: In the Order in Council of the 15th of January, 1878, affecting the promotion and retirement of the Royal Marines, the Regulations dated back to, and took effect from, the 1st of October, 1877. In the same way the changes which the Admiralty proposed to effect in matters relating to the corps of Royal Marines will come into operation from the 1st of July, 1881. What those changes are to be I will let the House know at a very early opportunity; and I should prefer not to make any partial statement until I can give them as a whole.

BOARD OF NATIONAL EDUCATION (IRELAND)—MOUNT PLEASANT SCHOOL, CO. LIMERICK.

Mr. SYNAN asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether, in consequence of the felonious abstraction at night of the school register from the Mount Pleasant National School, in the county of Limerick, the National Board has refused to hold the usual examination, and the teacher, Mr. Patrick O'Brien, has been thereby deprived of his result fees; and, whether the Inspector General of Constabulary has refused to give the said teacher a copy of the Police Report relative to said abstraction to send to the Board?

Mr. W. E. FORSTER, in reply, said, he was informed by the Commissioners of National Education that the statement in the first part of the hon. Member's Question was incorrect. With regard to the second point, he was informed that the Inspector General of Constabulary had not refused to give the teacher a copy of the Police Report referred to. If the hon. Gentleman wished for further information on a matter which was really a matter of detail, he should be glad to communicate with him on the subject.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARREST OF THOMAS M'GIRNEY UNDER THE ACT.

Major O'BEIRNE asked the Chief Secretary to the Lord Lieutenant of Ireland, If he would state for what offence Mr. Thomas M'Girney, of Drumkieran, co. Leitrim, was arrested on the 22nd instant, under the Protection of Person and Property Act; and, if the medical authorities of Galway Gaol have certified that he is in a fit state of health to undergo imprisonment?

Mr. W. E. FORSTER, in reply, said, the person referred to had been arrested on the 22nd instant under the Protection of Person and Property Act. The Warrant stated that he was suspected of unlawfully assembling with others, to the terror of Her Majesty's subjects, for the purpose of disturbing the public peace. On the 27th instant a Memorial with regard to the state of his health was referred to the General Prisons Board, and the medical officer of the gaol was asked to prepare a special Report. This Report, however, could not be received in Dublin till to-morrow morning.

POOR LAW (IRELAND)—SUPERANNUATION OF POOR LAW OFFICERS.

Mr. SCLATER-BOOTH asked the President of the Local Government Board, Whether his attention has been called to the anomalous condition of the existing Law and practice relative to the Superannuation of Poor Law Officers, by recent cases which have occurred in the two adjacent unions of Farnham and Alton, a superannuation allowance having been granted in the former union and refused in the latter to an officer of advanced age and long service; and, whether he has it in contemplation to propose any amendment of the Law with a view to greater uniformity in future?

Mr. DODSON: My attention has been called to these two cases, and I cannot but regret that they were not dealt with by the Guardians of the two Unions on the same favourable principle; but, as the right hon. Gentleman is aware, the grant of superannuation allowance is entirely within the discretion of the Guardians, the Board having no jurisdiction to require them to grant a superannuation in any case; and it would be a matter requiring very serious consideration to undertake to propose any amendment in the law which would deprive the Guardians of their discretionary power.

ARMY ORGANIZATION—LIEUTENANT COLONELS OF THE ORDNANCE CORPS.

Major NOLAN asked the Secretary of State for War, Whether the privilege which has been granted to Lieutenant Colonels of Infantry who were appointed before the 1st July 1881, of optional retirement on a Colonel's pension after having held command for four years, will be extended to those Lieutenant Colonels of the Ordnance Corps who are similarly situated?

Mr. CHILDERS: No, Sir; the period of the employment of Lieutenant Colonels of the Line will vary from a minimum of four, if in actual command, to a maximum of six years; and this will be about the same period as the fixed five years in the Ordnance Corps. I see, therefore, no reason to shorten the latter period.

ARMY—AFRICA (WEST)—THE TROOPS AT CAPE COAST CASTLE.

Mr. W. HOLMS asked the Secretary of State for War, Whether he is aware that no adequate provision was made for the accommodation of the 2nd West India Regiment, landed at Cape Coast in March last, three companies with their officers being quartered in tents on the seaboard, the other three companies in the Fantee town, where, in the words of an eye-witness—

> "Every evening there rises from the countless cesspools and steaming earth a poisonous miasma, hanging in so dense a veil that you could almost cut it; this is the atmosphere which must be inhaled all night;"

whether he is aware that, although on active service, no rations were supplied to the officers of the regiment, who were left to forage for themselves as they best could; whether he is aware that, of the 29 officers of that regiment who landed at Cape Coast between the 11th and 31st March last, one (Lieutenant Harwood) died, eleven were invalided home, and the others, with one exception, suffered from fever before the 17th May; and, if he will inform the House whether any inquiry has been, or will be made, in order to ascertain who is to blame for the neglect of the proper sanitary precautions as regards the accommodation of the regiment referred to when landed at Cape Coast?

Mr. CHILDERS: My hon. Friend cannot have been in the House when I fully answered almost identical Questions on the 9th and 13th instant, and I must refer him to those answers. The only additional point in his Question is, whether the officers received rations? I presume that they did, and large supplies of food were sent out; but I have received no Report on the subject.

Mr. W. HOLMS said, he had heard the answers given by the right hon. Gentleman to the two Questions referred to; but he ventured to think that he had not answered this part of the Question—whether he was aware that of the 29 officers of the regiment, who landed at Cape Coast between the 11th and 31st March, one (Lieutenant Harwood) died, 11 were invalided home, and the others, with one exception, suffered from fever before the 17th May? He should also like to know if it was not the case that no rations whatever were supplied to the officers?

Mr. CHILDERS replied, that he had already informed his hon. Friend that large supplies of food were sent out, but that he had no information as yet as to its distribution, and could not, therefore, answer the Question. He had not the points of his previous replies before him; but he remembered that he expressly stated that one officer had died, and that a large number were invalided. He thought he mentioned 10 or 12, and he also said that there was a great deal of sickness among the officers.

ARMY — THE AUXILIARY FORCES — 2ND DEVON ARTILLERY VOLUNTEERS.

Mr. GORST (for Mr. Puleston) asked the Secretary of State for War, Whether it is a fact that two-thirds of the members of the 2nd Devon Artillery Volunteers have resigned; and, if so, whether he can state the reasons which have led to such a step by so efficient a body of Volunteers?

Mr. CHILDERS: No, Sir; I find that a much smaller proportion of the men of the Volunteer corps to which the hon. Member's Question refers resigned in a somewhat irregular manner about a month ago, disappointed at their regiment not being allowed, through inadequacy of funds, to attend the forthcoming Review. The General Officer commanding the Western District has ordered inquiry to be made into the financial condition of the regiment; but, as at present advised, I think that Colonel Ridgway was justified in not sanctioning so heavy an expenditure.

WAYS AND MEANS—INLAND REVENUE —INCOME TAX ON FARMS IN HAND.

Sir ROBERT LOYD LINDSAY asked Mr. Chancellor of the Exchequer, Whether, in accordance with the suggestion of the Inland Revenue Commissioners of 13th June, the Government intend to adhere to the limitation of the remission of the Income Tax on farms in hands of the owners (proposed to be made in consideration of the present agricultural distress) to cases of farms not habitually occupied by owners for purposes of husbandry; and, whether such a limitation will not, in fact, exclude from relief all yeomen farmers who have suffered as much as, or more than, any of the farming class in recent years?

Mr. GLADSTONE, in reply, said, he presumed the hon. and gallant Member did not think that the recommendation in question extended to what were known as home farms. As to the purport of the Question, however, he could not give any positive answer; but he would make inquiry as to the precise position of matters.

PARLIAMENT — BUSINESS OF THE HOUSE—MORNING SITTINGS.

Sir STAFFORD NORTHCOTE: It would be convenient for us to know whether the Government propose to take Morning Sittings regularly on Tuesdays and Fridays; and, also, whether we are to understand that the recent Order of the 27th with regard to the precedence to be given to the Land Law (Ireland) Bill excludes or supersedes the Rule that places Supply as the first Order on Fridays?

Mr. GLADSTONE: With regard to Morning Sittings, I have no other desire than that we should take that course which will most expedite the Business of the Committee without hurrying it, and I think if we have two Morning Sittings weekly it will conduce to that end. It produces a more constant attendance, and the numbers do not vary up and down in the same extreme. When we have got rid of the Committee and the Report of the Land Law (Ireland) Bill, my own opinion is that, unless the House thinks otherwise, it will be better to go on as we are doing. With regard to the other part of the Question, there is no doubt whatever that the Resolution taken on Tuesday last does, for the time, set aside the Resolution as to Supply.

TUNIS—THE CASR ESSAID TREATY.

The Earl of BECTIVE asked the Under Secretary of State for Foreign Affairs, If Her Majesty's Government are aware that additional clauses exist in the Casr Essaid Treaty besides those communicated to Lord Granville through Lord Lyons on the 20th May; if the French Government have informed Her Majesty's Government of their intention to compel the Bey to cancel or alter Article V. of the British Convention of 1863, and Article V. of the Convention of 1875, whereby British subjects are allowed to acquire and dispose of immovable property in the Regency of Tunis; whether they are aware that very lately, on M. Camondo, a wealthy Levantine banker, and Mr. Gustavus Rothschild, entering into negotiations with Flamida Ben Ayad, a British landowner, for the purchase of two large estates, they were informed by M. Roustôn that no real property could henceforth be disposed of in that country without his consent; and, whether Her Majesty's Government are prepared to make inquiries on this subject?

Sir CHARLES W. DILKE: We are not aware of the existence of any such additional clauses. The French Government have not given any such information to Her Majesty's Government. We are not aware that the persons named have been informed by M. Roustan that real property cannot be disposed of in Tunis without his consent. There will be no objection to making inquiry on the subject if the noble Lord will inform the Foreign Office of the grounds on which he has based the Questions.

AUSTRIA AND SERVIA—COMMERCIAL TREATY.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs a Question of which he had given him private Notice, Whether, in the Revised Convention or arrangement about to be concluded between Servia and Austria, Servia, notwithstanding the most favoured nation clause in the Treaty between this country and Servia, would have to admit manufactured or partly manufactured iron and other articles from Austria at considerably lower duties than those at which it admits the products of this and other countries; and, whether before the Convention was signed by the Representatives of Austria and Servia it would be laid before the Chambers of Commerce?

SIR CHARLES W. DILKE: I shall feel obliged by the noble Lord giving Notice of the Question.

LORD RANDOLPH CHURCHILL: I suppose the Convention will not be signed before to-morrow?

SIR CHARLES W. DILKE: I cannot state at a moment's notice what is the exact position of matters at this moment. I have not seen any Papers relating to the Question for the last three days.

SIR H. DRUMMOND WOLFF: When does the hon. Baronet propose to lay on the Table the Treaty between Austria and Servia?

SIR CHARLES W. DILKE: It is in course of being printed.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — MICHAEL DAVITT, A PRISONER UNDER THE ACT.

MR. J. COWEN asked the First Lord of the Treasury, If Mr. Michael Davitt could not be removed from Portland and imprisoned in Kilmainham, along with other of his countrymen arrested under the Coercion Act?

MR. GLADSTONE: Mr. Speaker, I am not quite sure whether this Question has been put under a perfectly accurate impression as to the state of the law as regards Davitt. It seems to imply that the case of Davitt is analogous to that of the prisoners now confined in Ireland. It is well known that Davitt was a convict at large, under the licence of the Crown. That licence was revokable for certain reasons, and the Government, thinking that those reasons existed, regarded it as their duty to revoke the licence. The prisoners arrested under the Coercion Act are untried prisoners, and the Government could not undertake to place tried prisoners in the same condition as untried prisoners. I am informed by my right hon. Friend the Secretary of State for the Home Department that, on account of the state of Michael Davitt's health, he has received special indulgences; and I do not learn that he has complained, in any respect, of harshness in his treatment. I have no doubt that everything that could be desired will be done.

MR. J. COWEN said, he wished to ask the Prime Minister a further Question. He understood that Mr. Davitt was not imprisoned for the purpose of punishment, but only for the purpose of restraint. On an interesting occasion recently the Premier had referred with commendation to the aid that Lord Beaconsfield gave to Mr. Thomas Cooper, the Chartist, when he came out of prison. Mr. Cooper, while in gaol, wrote a poem, and Mr. Disraeli aided him in getting it published. Now, Mr. Davitt was a poet as well as Mr. Cooper; but he was not permitted to have writing materials. What he wanted to ask the Prime Minister was whether the Government would treat Mr. Davitt, an Irish political prisoner, as the Government of Sir Robert Peel treated Mr. Thomas Cooper, the Chartist prisoner, and give him pens, ink, and paper?

MR. GLADSTONE: As this is a matter that involves a reference to prison rules, I am afraid I must ask to have Notice of the Question.

MR. PARNELL asked whether the Government had considered that Michael Davitt was being punished for his original offence—namely, treason-felony, or supplying arms for the purpose of making war against Her Majesty's Government, or for his acts in connection with the Land Agitation since his release?

Mr. GLADSTONE: I am afraid the answer to the Question would require a general statement of the Rules under which the licences of convicts are granted, and I am not prepared to enter upon any such statement at present.

ARMY ORGANIZATION—COLOUR SERGEANTS OF MILITIA AND VOLUNTEERS.

Lieut-Colonel MILNE-HOME asked the Secretary of State for War, If a colour-sergeant, when transferred compulsorily to the permanent staff of a Militia battalion or Volunteer regiment, under paragraph 12 of the Army Organization Scheme, will receive the same pay, allowances, and pension, as if he had remained in his Line regiment?

Mr. CHILDERS: In reply to the hon. and gallant Gentleman, I have to say that the suggestion in his Question appears to be worthy of consideration; and, though not at this moment prepared to say what I can do, we will give the matter early attention when other more important Business is disposed of.

LANDLORD AND TENANT (IRELAND)—ARREARS OF RENT.

Mr. BIGGAR asked the Prime Minister, Whether the Government had yet come to any conclusion with regard to arrears of rent in Ireland; and, if so, when they would place upon the Notice Paper the Amendment or Clause by which they proposed to deal with the question?

Mr. GLADSTONE: Sir, the question of arrears cannot be treated by us at a time arbitarily chosen, but that time must depend upon the progress made with the Land Law (Ireland) Bill; and if the hon. Member will give us that assistance which I am bound to say is in a very considerable degree in his power, we shall very speedily arrive at that part of the Bill where the question of arrears can be discussed. We are very anxious to arrive at that stage, because we know that the subject is one on which there is a good deal of just anxiety.

Mr. Parnell

THE MAGISTRACY (IRELAND)—MR. CLIFFORD LLOYD, R.M.

Mr. O'SULLIVAN asked Mr. Attorney General for Ireland, If it is true that Mr. Clifford Lloyd, Resident Magistrate, Kilmallock, has persons arrested and brought before him (almost daily, without summons or warrant) at his private residence and at the Police Barracks, both at Kilmallock and Kilfinane, where he hears complaints by the police brought against such persons, and inflicts fines and imprisonment in private, without holding a legally constituted court; and, whether the charges in many of those cases were not for hooting or groaning at himself; and, if so, under what statute is a magistrate empowered to deal with such cases other than in an ordinary petty sessions, and without giving the parties accused full time to prepare for their defence?

The ATTORNEY GENERAL for IRELAND (Mr. Law), in reply, said, he had communicated with Mr. Clifford Lloyd in reference to this Question, and had received a Report in which that gentleman stated that he could not understand to what proceedings the question referred, as he had caused no person to be brought before him without summons or warrant, and had not performed any act except what he was authorized to do by statute. Mr. Lloyd stated that there was no real foundation for the hon. Gentleman's statement; and he thought, therefore, that the hon. Member must have been wrongly informed.

Mr. O'SULLIVAN: There is no mistake whatever. Mr. Lloyd lives opposite to my own residence, and I have seen men taken into his house and coming out after conviction.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[Bill 135.]

Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. (Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [SEVENTEENTH NIGHT.]

[*Progress 29th June.*]

Bill *considered* in Committee.

(In the Committee.)

Part II.

Intervention of Court,

Clause 7 (Determination by Court of rent of present tenancies).

Amendment proposed,

After the word "accept," at the end of the last Amendment, page 6, line 30, to insert the words "or any leaseholder who can show to the satisfaction of the Court that he was constrained or induced by a landlord or his agent, to take out a lease since the passing of 'The Landlord and Tenant (Ireland) Act, 1870,' at an unfair rent, or subject to unreasonable covenants."—(*Mr. William Corbet.*)

Question proposed, "That those words be there inserted."

MR. LITTON said, he was conscious that the Amendment raised a most important question; but he believed that the question could be more conveniently dealt with at a later stage of the Bill, and that the present was not the proper time to discuss a subject which must, if proceeded with, occupy a considerable time. He would therefore ask his hon. Friend (Mr. Corbet), who was, no doubt, anxious to present the question under the most favourable circumstances, to postpone the Amendment on the understanding that it would be brought up at a future time, when it could be more conveniently debated. If his hon. Friend responded to that appeal, it would be unnecessary that he (Mr. Litton) should now trouble the Committee with any further statement in continuation of the remarks he was making when the debate was adjourned on Wednesday. At the same time, he was quite of opinion that it would be necessary to debate the question fully.

MR. PARNELL asked the hon. and learned Member for Tyrone (Mr. Litton) in what part of the Bill he would propose to discuss the question of leases? He (Mr. Parnell) had always been under the impression that the proper place for discussing the question was upon the 7th clause; and if they were to pass over it he should like to know when it could be more conveniently discussed.

MR. LITTON said, there were Amendments standing in the name of the hon. Member for the County of Cork (Mr. Shaw), the hon. Member for the County of Armagh (Mr. J. N. Richardson), the hon. Member for the County of Kilkenny (Mr. Marum), and in his own name, upon Clause 47, which proposed to deal with leases; and the question would come on more conveniently when the subject of leases was under discussion. It certainly did not seem to him that the 7th clause was the proper place for raising it.

DR. COMMINS said, the 7th clause dealt with the power the Court was to have in fixing fair rents. The power which the Amendment proposed to give was a negative power, excluding altogether leases which might have a longer term to run than from year to year. He failed to see how the question of the exclusion of leases, forced upon tenants under the operation of the Act of 1870, could be discussed under Clause 47. The present question was whether or not the Court should have the power of re-framing the leases which had been forced upon tenants, and in regard to which the tnant had no option as to the taking of them compulsorily. If the Committee did not decide that question now, there was no other clause upon which they could decide it. There was no doubt that the Bill interfered with contracts just as much when they were contracts under seal as where they were verbal contracts. If the Court was to have power to consider whether a contract under seal were just or unjust, equitable or inequitable, the present was the time to consider whether it should be invested with such power.

MR. SYNAN said, he took the same view as the hon. and learned Member for Tyrone (Mr. Litton), and he took it in the interest of the leaseholders. If the Amendment was pressed, under the present circumstances, the Committee would be placed at a disadvantage, because it was proposed to put leaseholders in the same position as present tenants, who only went into Court for the purpose of having a fair rent fixed. If the leaseholders were admitted into the Court they must be admitted under certain conditions and under certain limitations. The grounds for their admission must be distinctly stated to the Court, and they could not be dealt with as present tenants. The Committee were, therefore, placed at a disadvantage in arguing the matter, upon the ground that leaseholders should be treated as present tenants, and valuable support might be alienated from those who were in favour of the claim of the leaseholder when the question as to leases came to be considered. He hoped, therefore, that the Amendment would be for the present withdrawn.

Sir GEORGE CAMPBELL looked upon the leaseholders' question as a mere parenthesis in another very important subject.

Mr. MARUM said, that upon considering the Bill as it was originally introduced, he had given Notice of an Amendment upon the point in what he considered to be the proper place—namely, the 47th clause; but the Committee were not to take for granted that the 47th clause would be proposed, or, if proposed, that it would be accepted. He hoped, therefore, that the opinion of the Committee upon the subject would be taken now.

Mr. T. P. O'CONNOR said, he was unable to form an opinion as to the appropriateness or inappropriateness of the discussion now; but the Prime Minister was altogether responsible, because the right hon. Gentleman certainly stated yesterday that this was as good a place as any for discussing the question raised by the Amendment. Nothing could show greater irresolution or want of fixity of purpose than to withdraw now from the discussion which the Government had raised upon that question in favour of taking it upon the 47th clause. As he understood the 47th section, it would not raise the question of leases upon the particular point they were engaged now in discussing. That point was not the general character of the leases, but whether the rent fixed under them should be brought under the arbitrament of the Court or not. He wished to ask the Prime Minister to declare himself more distinctly, and to explain whether or not the rent-charge reserved under leases was not a proper matter to come under the purview of the Court. If it were not so, the consequence would be that a large proportion of the tenant farmers of Ireland would be excluded from deriving anything like real benefit from the operation of the Bill. Many farmers under terms of leases that would be disposed of by such an Amendment as that now before the House would be left in precisely the same condition they were before the passing of the Bill. As regarded the question of rent, that question was the essence of these leases, however imperious, absurd, tyrannical, and unjust the other covenants the leases contained might be. It was the largeness of the rent chargeable under the leases that contained the core of the leases themselves; and if they left that question untouched, whatever other question they touched in regard to leases would be of no consequence whatever. In the Bessborough Commission no evidence was more clearly brought out than that exhorbitant rents were imposed against the will of the tenants by these very leases; and, under these circumstances, he should be greatly surprised if hon. Members who represented Ulster were to retire from the conflict until they heard something far more satisfactory than they had heard at present.

Mr. MACFARLANE said, he would move here an Amendment, of which he had given Notice—namely, to omit from the Amendment the words "at an unfair rent, or subject to unreasonable covenants," in order to insert the words—

> "Shall be entitled to surrender his lease, and claim the rights and privileges reserved by the Bill in respect of ordinary tenants."

He gathered that the object of the hon. Member who moved the Amendment they were now discussing was to release the tenant from any bond which he had entered into of an unreasonable nature. His proposal was to allow such tenants who felt themselves aggrieved by such leases to surrender whatever benefit they might derive under them. He did not ask that the tenant should retain the advantages of such leases, and only get rid of the disadvantages; but what he asked was that the tenant should start with a fair field and no favour as a present tenant. He did not ask the Prime Minister to come to a hasty decision upon the matter, because he believed that the interests which were dependent upon the question were of great importance; but he would warn the Prime Minister and the Government that if the Bill was passed to the exclusion of thousands of the largest and most influential of tenants, the Bill would not be a settlement of the land difficulty that would last for two years. He did not wish to see the measure passed as all other Land Bills had been passed—namely, incomplete and insufficient for the purpose it had been introduced to carry out. He would, therefore, propose his Amendment, because he believed that it placed the matter in a simple, intelligible, and thoroughly tangible form.

Amendment proposed to the proposed Amendment,

To omit from the proposed Amendment the words "at an unfair rent, or subject to unreasonable covenants," for the purpose of inserting the word "shall be entitled to surrender his lease and claim the rights and privileges reserved by the Bill in respect of ordinary tenants."—(*Mr. Macfarlane.*)

Question proposed, "That the words proposed to be left out stand part of the proposed Amendment."

MR. SHAW supported the proposal made by the hon. Member for Wicklow (Mr. W. J. Corbet); but hoped that the Committee would not be forced into a discussion, or a premature decision, upon a question which was of so much importance for the tenantry of Ireland. They must remember the declaration which had been made by the right hon. Gentleman the Prime Minister last evening, and must not allow it to force them into a premature discussion, especially as the declaration was made upon insufficient evidence. He was quite sure that when the right hon. Gentleman heard the case which the Irish Members would be able to bring before the House at the proper time, his sense of justice would lead him to see that the claim made by the Irish Members was founded upon reason and justice. He believed that the Irish Members would be able to convince the entire Committee and all the hon. Members who represented the landlords of Ireland that any leases of this kind should not be allowed to exist. It was impossible to go through the evidence without feeling that there were many cases in which those leases had been unjustifiably forced upon the tenants; and he was afraid that if they went to a division upon that clause and upon that part of the Bill, they would do it to the injury of the cause they wished to raise, and to the injury of the tenants of Ireland. Therefore, as they could not discuss it to advantage, he would suggest that they should withdraw it. They were not prepared to discuss it in the middle of a clause which was one of the most important clauses of the Bill; and in the interest of the tenant farmers it was not desirable that it should be discussed partially at the present moment.

MR. H. R. BRAND also wished to add an appeal to the hon. Member who sat below the Gangway (Mr. Corbet) to allow the Committee to go fairly into the discussion of the 7th clause. He could not support the Amendment; but he might say that the conviction had been brought home to his mind upon reading the evidence given before the Bessborough Commission that there was a great deal to be said in regard to the necessity of dealing with these leases. He must admit that he had a very strong prejudice, indeed, against unsettling a written agreement entered into between the landlord and tenant after the passing of the Act of 1870; but it was clearly established by the evidence before the Bessborough Commission that there had been leases forced upon the tenants by the landlords which excluded them from the benefit of the Act of 1870. If he were an Irish landlord he should feel a desire and a wish to have those leases brought under the purview of the Court, in order to show that there was nothing unreasonable or harsh in the terms which had been imposed. He hoped the hon. Gentleman below the Gangway opposite (Mr. W. J. Corbet) would be satisfied with the statements which had been made, and would now consent to withdraw the Amendment.

MR. M'COAN joined in the hope expressed by his hon. Friend the Member for the County of Cork (Mr. Shaw) that the discouraging statement made by the Prime Minister last night would in some way be qualified, and that it would be admitted to have been more or less ill-considered. Since the commencement of the discussion he had heard no more disheartening statement from the mouth of the right hon. Gentleman. He knew from positive evidence that in no two points connected with the state of Ireland in view of the present Bill was it more generally felt that the defects and omissions of the Act of 1870 were so considerable as where they excluded leases from the operation of the Act, and failed to deal with arrears of rent. He would venture to say that if the Bill dealt a little more generously and fairly with those two questions it would have been accepted gratefully by the people of Ireland. He believed that the effect of the statement made by the Prime Minister last night would be to excite a feeling of profound discouragement amongst all classes of Irish tenants. In the county which he represented (Wicklow) a large portion of the tenants were disposed to accept the Bill, not as a completely satisfactory settlement, but as giving three-fourths of the loaf they hoped to get in the end; but if they were to be told that the Government would not deal with the question of leases the opponents of the Bill would be multiplied by thousands. He thought the evidence upon which the Prime Minister was induced to make his statement last night was hardly sufficient to justify such a declaration. The lease which had been instanced was one from Earl Fitzwilliam, and the Amendment of his hon. Friend the Member for Wicklow was argued upon that case. He thought that the hon. Member might have taken much stronger ground, and might have based his case upon leases very much more objectionable than those of Lord Fitzwilliam. He knew a case in which upon a farm of 16 acres all the improvements were done at the expense of the tenant; but at the expiration of the lease the whole were forfeited and passed to the landlord without the tenant having the right of claiming compensation under the Act of 1870. The lease further provided that if the landlord deemed it desirable to make other improvements for drainage, or for other purposes, he was at liberty to enter upon the farm and make them at the expense of the tenant. It further covenanted that, instead of the usual allowance of time for non-payment of rent, forfeiture of the lease was to result if the rent should be unpaid at the end of 21 days. There was also a forfeiture in the case of bankruptcy, or compounding with creditors, or in an ordinary case of insolvency, and when the forfeiture took place the whole of the improvements effected by the tenant became confiscated to the landlord. The climax was contained in a clause which provided that the tenant should not be able to make any claim for compensation under the Act of 1870. Here was a case where they not only had a rack rent, but all the worst and most onerous and fraudulent covenants which it was possible to conceive forced upon the poor tenant. He was acquainted with another case of a farm of 18 acres, where an original rent of £1 2*s.* 6*d.* an acre had on the falling in of a previous lease, been increased to £1 17*s.* 6*d.* an acre; and other cases he had heard of were as follows:—Rent increased from £19 10*s.* to £28 5*s.*; in another case, a farm of 37 acres, original rent £30, increased to £60; another increased from £38 to £58, £196 to £275, £66 to £112 10*s.*, and £33 to £50. These were all cases that had occurred since 1870, and in every case the helpless tenant had no choice but to pay the rent or be evicted, which meant ruin for himself and his family. He was satisfied that the right hon. Gentleman at the head of the Government would say at once that such a state of things was not right, and that the parties to such contracts were not at all equal. All he asked was that in such extreme cases it should be competent for the tenant who had been coerced into the acceptance of such terms to go to the Court and ask for simple justice. He joined in the appeal which had been made to his hon. Friend and Colleague (Mr. Corbet), and he trusted that his hon. Friend, having initiated this useful though premature discussion, would now withdraw his Amendment.

Lord JOHN MANNERS was not prepared to say whether this was or was not precisely the most convenient moment for discussing the Amendment of the hon. Member for the county of Wicklow (Mr. Corbet); but he thought it unfortunate that the view which now dawned upon the hon. and learned Member for Tyrone (Mr. Litton) had not dawned upon him yesterday afternoon and prevented the debate which then ensued, and which had been continued up to now. But, without going into that question, he wished to call the attention of the Committee to the very serious view which had been placed before them by the hon. Member for the County of Cork (Mr. Shaw) in assigning his reasons for inducing the hon. Member for the county of Wicklow to withdraw the Amendment. The view of the hon. Member for the County of Cork was that if the Amendment was postponed until they reached somewhere about the end of the Bill, a great effect might in the meantime be produced on the mind of the Prime Minister and the Government, who might be induced by pressure to alter or withdraw altogether proposals now contained in the end of the Bill. Now, that was a very serious view, and he hoped the Committee would not be in a hurry to accept the advice of the hon. Member for the County of Cork.

The statement made yesterday by the Prime Minister was a well-considered statement. It pledged the Government to maintain the framework of the Bill as it was read a second time and accepted by the House; but the view of the hon. Member for the County of Cork and other hon. Gentlemen was that the Government should go back and should alter completely in one most important particular the whole scope, framework, and principle of the measure as it was read a second time, and as it was now being discussed in Committee. He did not wish to enter at length into the question now; but he thought it right that the Committee should know that hon. Members on that side of the House took a very serious view of the prospect opened out to them by the hon. Member for the County of Cork. If it really were the intention of hon. Gentlemen who supported that view to press a material alteration in the structure of the framework and the principle of the Bill at the end of the measure, it was not at all clear that it would not be more convenient and much more fair to all parties that the present discussion should be carried on until they arrived at some decision of it now, instead of postponing such a grave and important conclusion until the very end of the measure.

MR. CHARLES RUSSELL said, he did not rise for the purpose of prolonging the discussion; but he desired to say that there was no part of the question in regard to which the feeling was stronger in many parts of Ireland than upon this. He understood the Prime Minister to say that, while the Government had their own views about the question, they did not desire to have it supposed that they were not open to consider any alteration that might be fairly and fully represented to them. He did not recognize the object of the noble Lord who had just addressed the Committee, unless the noble Lord meant to exercise some sort of moral intimidation upon the Prime Minister, in order to prevent him bringing his judgment to bear upon the question. Like the noble Lord, he did not intend to enter into the general question. He thought this was not a convenient place in which to discuss it. It would come on much more appropriately on the consideration of the 47th clause. Personally, he thought it a great pity that the particular instance which had been cited should have been brought forward, as it was, in truth, a very weak illustration of a very strong case. Certainly, the hon. Member for Wicklow had admitted that the case of Lord Fitzwilliam was not the strongest that might be adduced. He hoped the hon. Member would withdraw his Amendment at this stage; and, with all the earnestness he could bring to bear, he would appeal to the Prime Minister to keep his mind open upon the question. And while recognizing—which he (Mr. C. Russell) did most fully—that it was no light matter to enable any person who had entered into a solemn contract to be released from that contract—while recognizing that most fully, and admitting that a strong and overwhelming case ought to be made out, he hoped that where it could be proved that harsh contracts did exist the parties who had been compelled to enter into them by threat of eviction or by other unfair means, would be released from the obligations which they imposed.

MR. PARNELL said, he had asked the hon. and learned Member for Tyrone (Mr. Litton) upon what part of the Bill he thought it would be best to discuss this Amendment, and the hon. and learned Member named the 47th clause. Now, it apeared to him (Mr. Parnell) that if they were to produce an impression upon Parliament with regard to the case of leaseholders, they ought to do it before they got to the end of the Bill. By the time the 47th clause was reached the Committee would be exceedingly weary and impatient, and he did not think it would be possible to have a favourable discussion in reference to that most important question—certainly the fourth most important question involved in the Bill. But whether they should definitely challenge the decision of the Committee now was another question, and would depend very much on the course of the debate; and the course which he humbly thought would be best calculated to effect a useful purpose was that they should not limit the discussion now upon the lease question on the 7th clause, but that they should put their case before the Committee and be guided by the discussion whether they would definitely take the opinion of the Committee upon this point at the present moment. It appeared that a very strong case had not been put before the Committee in selecting the case of Lord Fitzwilliam's lease as a test one. Certainly, the leases of Lord Fitzwilliam did not present the same amount of injustice and inequality as others. At the same time, he would ask the hon. and learned Member for Tyrone and others, who were in possession of special information in regard to the question, to give that special information now. The course suggested by the hon. and learned Member for Dundalk (Mr. C. Russell) to postpone the discussion until they reached the 47 clause was open to much objection.

Mr. EDWARD CLARKE said, the proposal which had just been made seemed to be rather a curious one in face of the desire which had been so generally expressed that practical work should be done in connection with the Bill. He apprehended it was now proposed that there should be a long debate, to which Members representing Irish constituencies should contribute their own experience as to leases in Ireland; that they should then be at liberty to consider whether they had made their case strong enough; and at the end of the Bill raise the question again, abstaining from challenging the decision of the Committee now. Now, he thought that such a course would scarcely put the Committee in a fair positien. It would be a mere obstruction to the progress of the Bill, and in the end it would be left open for hon. Members to challenge the general feeling of the Committee in their favour. It seemed to him that the question was naturally and properly raised at the present moment, and that the object of those who brought it forward would be wholly lost if it were postponed till the 47th clause came before the Committee. His hon. and learned Friend the Member for Dundalk (Mr. C. Russell) had tried to modify the suggestion of the Prime Minister by implying that the right hon. Gentleman had reserved to himself the right of dealing with that question when at a more convenient moment it came on for discussion; but there could be no doubt as to the statement which the right hon. Gentleman made yesterday. The right hon. Gentleman not only declared that it was outside the purpose and scope of the Government to interfere with future leases; but he went on to point out that if it were wrong to interfere with future leases and the rents fixed under them, it would be still worse to interfere with leases which had already been made, because the landlord had been invited under the Act of 1870 to enter into such leases. Not only was that a declaration which everyone who had read the Bill would have expected from the Government, but it was a statement distinct in its terms, and based on a really intelligible and good reason. He hoped the Committee would be given to understand that if the discussion was now to cease, and to be renewed at a more convenient time, in future they might rely upon the Government standing by a declaration of principle which had been so recently and so distinctly made.

Mr. LITTON wished to call the attention of the hon. Member for the County of Cork (Mr. Shaw) to the fact that the Amendment could not be withdrawn without the consent of the Committee. At present the Amendment was the property of the Committee. He was of opinion that the question could not be fully debated on the present occasion without danger to the interests of the tenants of Ireland who held under leases. He was anxious not to consume the time of the Committee if the whole matter was to be brought up again. He had no wish to precipitate the discussion now.

Mr. GLADSTONE: I wish to say a few words upon this undoubtedly important question. I wish to express the opinion of the Government upon the Amendment, which distinctly raises the question that the leaseholder should have the power, like all other tenants, of going to the Court and obtaining a judicial rent. I am not in a position to decide whether there may not be cases brought before the Commissioners in which some relief should be given to leaseholders who have been subjected to undue coercion. I will explain hereafter what I mean by undue pressure or coercion; but of all the modes in which relief could be given, there would be none open to so much objection, either prospectively, or still more with respect to current leases, as one that would enable the leaseholder to go into Court and obtain a judicial rent while the conditions of the lease remain unaltered in other respects. I speak under the disadvantage of not having heard a full expression of the views of hon. Gentlemen who have a practical knowledge of the question; but I will frankly say that, in my opinion, it would be impossible to strike more directly at the very root of contract itself, as it is understood in Ireland, than to give relief in that form. The case in Ireland is this. A lease in Ireland is understood in one sense and for one purpose and effect only, and that is the purpose and effect of paying a certain sum of money for a certain number of years for the possession of a farm. A leaseholder in Ireland does not conclude that the lease is to annul and destroy the whole of his interest in the farm; but he does understand and know that it is a binding covenant to pay a certain sum for a certain time. Therefore, I should be extremely grieved if, in regard to present or future leases, it were found right or necessary by Parliament to authorize any alteration in these pecuniary contracts. That was the intention with which I spoke yesterday; and although I am not aware that I stated it as a final and irrevocable intention, yet I stated it as an intention, and I have seen no reason to depart from it on further considering the question—and it was our duty to consider it seriously before the introduction of the Bill. I did not intend to imply that there were no matters of importance which might be considered with respect to present leaseholders. I referred to one of these matters—the position in which a leaseholder might be left at the conclusion of his lease. I believe that I likewise referred to the case of the leaseholder, on the second reading, as a matter which would require consideration on the part of the House. If it is requisite to devote further consideration to the matter, the allegation which appears to be serious, and to deserve the attention of the Committee, and which on principle appears to be a fair allegation, is this—that the provision inserted in the Land Act of 1870 for the purpose of encouraging leases, and for the purpose of inducing landlords and tenants, by a free contract, to constitute something of permanency in the occupation—the allegation is that that provision has been used in a manner contrary to the intention of the Act—in a manner conformable to the letter of the Act, but not within the spirit of it. We must be very careful, I think, as to the exact terms in which we admit any attempt to deal with views of that kind. But doubtless there are, and I will not scruple to mention them, two matters which I conceive to be entirely contrary to the spirit of the Act of 1870, and in regard to which we should not feel ourselves precluded on a consideration of the amount of evidence which might be brought up in the debate from coming to such a conclusion as the case might appear to require. What I am going to state I believe will be admitted, not only by hon. Members on this side of the House, but by all, to be a very fair case to bring forward. I gather from the Report of the Bessborough Commission—it may have been the case only in very few instances, I believe in very few indeed—that tenants have had presented to them this alternative lease or eviction. So far as that may be judicially proved, the question may arise whether relief ought not to be afforded to those leaseholders justly and upon the strictest principle of equity by enabling them to go into Court to have a fair rent fixed, and by enabling them to have the lease quashed as a case of fraud. I will give another instance, which falls within the same principle, where I think relief may be given. My hon. and learned Friend the Member for Tyrone referred yesterday to the case of a man named Flynn. I presume that my hon. and learned Friend ascertained the facts to be correct. I do not know anything about them myself, and I therefore take the case hypothetically. In that case, and in others which have been presented to us, it is reported that, under the Act of 1870, some landlords have thought fit to say to their tenants—"You shall take this lease, and I will require you to make stipulations, harsh or otherwise, not merely with respect to the currency of the lease for 31 years, but I will require you, in all futurity far beyond the termination of your lease, to sacrifice all your improvements." If such a thing as that were done, I think that the interest of the tenant in his improvements ought to be revived. That is a course palpably founded on the intention of Parliament. I cannot say that the Government have any intention to interfere in altering the rents in present contracts; but we are prepared to give the relief which I have mentioned where it may be required. It appears to me undoubtedly that the employment of a power given by an Act of Parliament in a manner manifestly contrary to the intention of the Act is a fair matter for consideration. I cannot say that the Government have any intention to interfere to alter the rent in current contracts, although we should be perfectly ready to consider fairly, if it were shown that cases existed where the powers of the Act of 1870 had been employed in a manner contrary to the intention of that Act, whether relief should not be given in those cases.

MR. GIVAN said, he thought the Committee would agree with him that the proper course to adopt would be to defer the discussion on this subject until a more convenient time. For his own part, he assured the Committee that since this Bill had been introduced into Parliament no more important subject had been raised than that which had been discussed that morning. The words of the Prime Minister, spoken last night, struck dismay into the heart of every Member of that House who cherished the interest of the tenant, as well as into the hearts of tenants throughout the length and breadth of Ireland. He was glad that the points of this subject were thoroughly understood by the Prime Minister, and his own desire was that the principle which had been admitted should be pushed to no greater length than would give justice and equity to the tenant. He hoped the Committee would not on that occasion discuss the question any further, and he appealed to the hon. Member for Wicklow not to press his Amendment.

SIR STAFFORD NORTHCOTE: I waited for a moment before rising, because I thought the hon. Member for Wicklow (Mr. W. Corbet) might have taken the opportunity of expressing his views as to the discussion which has taken place. But I think it is necessary for us to take notice of the very serious manner in which the questions involved in this Bill have been enlarged by the discussion of this evening, and, not least, by the observations of the Prime Minister himself. Throughout all the arguments adduced in favour of the Bill in this House, we have always understood that it was the intention of the Government to exclude from the operation of the Court cases in which leases have been obtained. We have quite understood that the Government put forward a peculiar case with regard to tenancies from year to year, which, in their opinion, rendered it reasonable that there should be recourse to the very exceptional machinery of the Court, for the purpose of deciding upon the amount of rent which the tenant was to pay; and when the proposal was made that the powers in the Bill, in the case of tenancies from year to year, should be extended to the case of tenants under lease, even qualified as the hon. Member for Wicklow proposes to qualify them, by confining them to cases where there is evidence of unfair pressure having been put upon those tenants, the Prime Minister, in accordance with the spirit which had operated throughout this Bill, got up at once and said he could not listen to such a proposal; that it would be a very serious invasion of the principles of the Bill and of the Act of 1870, and could not, therefore, be admitted here—that seemed to be the natural and reasonable course for the Government to take. We could not be surprised that some proposals should be made to extend the Bill; but we undoubtedly thought the Government were bound to maintain the lines on which the Bill was drawn, and to say at once that they could not assent to it. The Amendment of the hon. Member for Wicklow having been proposed and having been made the subject of considerable discussion, that discussion has been enlarged to-day by the Amendment of the hon. Member for Carlow (Mr. Macfarlane), the effect of which is to accept the Amendment of the hon. Member for Wicklow, but to strike out the qualifying words "at an unfair rent, or subject to unreasonable covenants," and to give power to the tenant under lease to go into Court to surrender his lease, and to claim the rights and privileges accorded by the Bill to a tenant from year to year. This is a large question, and it is one which, having been raised, the Committee can hardly pass by. It may be true that a question somewhat similar might be raised at a subsequent part of the Bill; but we have the fact before us that it has been raised at this part of the Bill, and if we allow it to be withdrawn we shall leave the position of the question in a very unsettled state, because the Prime Minister, while objecting, as he did yesterday, to the proposal of the hon. Member for Wicklow, has thrown out a suggestion that it may be possible to find a place in the Bill where power might be inserted for the purpose of quashing certain leases. That, I say, is a very large question, and I should like to know from the Attorney General for Ireland how the law at present stands as to quashing a lease obtained under coercion or fraud. If there be such a case of coercion and fraud, I should like to know whether, as the law stands, the lease could be quashed? But the argument presented to us is, that in some of these leases, or, as some say, in many of them, there are provisions which are unfair, and which there ought to be an opportunity of getting rid of. If that be so, you are really opening the whole question in a manner which, I think, we have a right to complain of. Members for Ireland get up and bring forward cases in which they say, there, this, and that hardship exists, and the Government say—"We will bring forward a new clause to meet these particular cases. I do not, of course, know what effect the proceedings of the Government in meeting every case of supposed hardship which may be brought forward with the promise of a new clause may have upon the passage of this measure; but, for my own part, I think that the prospects of speedy progress under those circumstances are not very good. We are told that this question is brought forward at a wrong time. I do not think it is. The clause deals with the intervention of the Court, and I think that now is the time to settle who are the persons to go before it. Originally, it was the tenants from year to year; then the Court was opened to the landlords; and if it be the intention to let in the leaseholders, then I say that this is the proper time at which to discuss that question. We are told, however, that the subject should be put off, because it has been raised at an inconvenient moment. I do not think the present is an inconvenient moment, although I quite understand that it would be inconvenient to the promoters of the Amendment to discuss it immediately after the Prime Minister had pronounced against it, and when they had an opportunity offered to them of bringing it forward on another occasion. These are the feelings I have with regard to this matter, which, I think, the Committee must consider to be one of a large and serious character.

MR. LAING said, that, having listened to the statement made yesterday by the Prime Minister, he regarded it as very unfair to impute inconsistency to the right hon. Gentleman. With regard to the Amendment, he thought it reasonable, and trusted hon. Members below the Gangway opposite would, by not pressing it then, co-operate with hon. Members on that side of the House in allowing time to the Government for the purpose of considering the best way of giving it effect.

MR. W. J. CORBET said, in consequence of the appeals made to him from the opposite side of the House, and from his hon. Friends near him, as also in consequence of the statement of the right hon. Gentleman the Prime Minister, which, to a considerable extent, admitted the propriety of his proposal, he was willing to withdraw the Amendment.

THE CHAIRMAN pointed out that, before that could be done with the consent of the Committee, it was necessary that the hon. Member for Carlow, if he thought fit, should ask leave to withdraw his Amendment to the Amendment of the hon. Member for Wicklow.

MR. MACFARLANE asked leave to withdraw his Amendment.

Amendment to the proposed Amendment, by leave, *withdrawn.*

Original Amendment again proposed.

MR. WARTON was opposed to the withdrawal of the Amendment. The Committee would now see how the Prime Minister was being educated by the Leader of the Irish section. The Prime Minister had now made a perfect change of front, and the reason was that what he had said yesterday had caused dismay in Ireland. As to the alleged reason that some of the leases had been obtained by fraud, in all such cases a Court of Equity could grant relief. The question having been raised, he submitted that the present was the proper time to discuss it.

MR. GLADSTONE: I do not rise for the purpose of opposing any obstacle to the withdrawal of the Amendment of the hon. Member for Wicklow, but simply to explain the purport of the vote we should give if the question is divided upon by the Committee. By that vote we should declare that the Government are not satisfied that it would be right to permit interference with the rent which a tenant is to pay, maintaining the lease alive. The allegation would be that such interference ought to be founded on the principle of the existing law—namely, by quashing the lease. With regard to the question of leases which have been made in contravention of the plain meaning of the Act of 1870, I may say that at the proper time we shall be prepared to enter upon that question; but I am not prepared to give any sanction to an alteration for the purpose of obtaining a judicial rent, and, at the same time, maintaining the lease alive.

Mr. CALLAN wished to know whether, in case the Amendment was negatived, it would be competent for the hon. Member for Cork County (Mr. Shaw) to move the Amendment standing in his name upon the 47th clause, which was very similar in terms to that before the Committee?

The CHAIRMAN said, he had not yet been able to study the Amendments so far in advance; but if the Amendment referred to were identical with the present, it would not be competent to the hon. Member for Cork County (Mr. Shaw) to move it, in the event of the Amendment now before the Committee being negatived.

Mr. CALLAN said, he was in a position to throw some light upon the question as to whether there were instances of leases having been forced upon tenants under the threat of eviction. In one case, in which the lease expired three years ago, the rent, which was formerly £130, had been increased to £205 a-year. The landlord forwarded the new lease to the bailiff, requiring him to get it signed at once by the tenant, who, however, declined to sign it. The landlord then wrote to the tenant, requiring him to give up possession. Notwithstanding that the tenant had spent £1,600 in improvements, one clause of the lease offered to him was to this effect—

> "Provided always and it is hereby expressly agreed, that the said lessee shall not make any claim for compensation in respect of disturbance or improvements, or for compensation in any other respect under any of the clauses or provisions of the Landlord and Tenant (Ireland) Act of 1870."

Again, he had been furnished with a copy of a lease forced upon the tenants on the estate of an English nobleman under the threat that they would be deprived of their holding at the expiration of their old leases, in which case the rent was more than 100 per cent above the Government valuation. He was acquainted with many cases in which leases had been imposed upon tenants in Ireland under the threat of eviction; and he trusted that the Government, although they might vote against the present Amendment, would in no way commit themselves to allowing this state of things to continue.

The CHAIRMAN: I have considered the Amendment of the hon. Member for Cork County (Mr. Shaw), to which reference has just been made. The proposal of the hon. Member for Cork is that where a lease is obtained by the threat of eviction, or undue influence, the Court may declare such lease void. That is essentially different to the question now before the Committee; and, in the event of the present Amendment being negatived, it would be competent to the hon. Member for Cork to move the Amendment standing in his name.

Amendment (*Mr. William Corbet*) *negatived.*

Amendments proposed,

In page 6, line 31, leave out "what is;" in page 6, line 31, after "paid," insert "by such tenant to the landlord for his holding, and thereupon."—(*Mr. Attorney General for Ireland.*)

Amendments *agreed to.*

Mr. ERRINGTON said, that the next Amendment stood in his name, and related to the important question of arrears of rent. He was aware that a number of Amendments proposed to the 13th clause also dealt with the same question; and, as a friend of the Bill, he did not desire to be responsible for any unnecessarily lengthy discussion taking place. Therefore, he was willing not to move it; but he trusted that the Attorney General for Ireland would lay the new clause, by which he understood Her Majesty's Government were prepared to deal with this question, upon the Table as soon as possible.

Amendment, by leave, *withdrawn.*

Sir HERVEY BRUCE said, he wished to add words to the clause for the protection of the labourers, who, he considered, had been badly treated by the tenant farmers in Ireland. He was not prepared to insist upon the exact form of the Amendment he was about to move, and would be satisfied by the adoption of such words as the Attorney General for Ireland believed would improve the position of the labourer in the sense indicated.

Amendment proposed,

In page 6, line 31, after "paid," insert "and this provision shall be deemed to apply to cottier tenants who are day labourers and hold cottages, or cottages and gardens."—(*Sir Hervey Bruce.*)

Question proposed "That those words be there inserted."

Mr. W. E. FORSTER said, he thought the hon. Baronet would, on consideration, understand that this was not the proper place at which to introduce his Amendment. He had already stated that it was the intention of Her Majesty's Government to bring up a clause dealing with the subject before the Bill left Committee. Under those circumstances, he trusted the Amendment would not be pressed.

The CHAIRMAN pointed out that the Amendment as it stood was out of place, the word "paid" having been struck out, and the words of the Amendment of the Attorney General for Ireland ending with the word "thereupon" having been added to the clause.

Sir HERVEY BRUCE said, that when he put the Amendment on the Paper the word "paid" was part of the clause.

Lord JOHN MANNERS agreed with his hon. Friend who had just sat down, that the question raised by him was an important and substantial one, affecting as it did the agricultural labourers of Ireland, whose position was clearly made worse by the Bill as it stood. But, after the assurance of the Chief Secretary to the Lord Lieutenant, he thought his hon. Friend might with propriety withdraw his Amendment. At the same time, he thought it would be convenient if the right hon. Gentleman would place the clause which it was intended to bring up upon the Table some days before the Committee were called upon to discuss it.

Mr. WARTON pointed out that the manner in which the Amendment of the Attorney General for Ireland was worded and introduced was very inconvenient, inasmuch as the arrangement accorded with no other Amendment on the Pepar.

Sir GEORGE CAMPBELL said, that the important question as to the condition of the Irish labourer could conveniently be considered in Clause 46 in connection with the sub-section relating to cottage allotments not exceeding a quarter of an acre.

Mr. P. MARTIN pressed upon the Chief Secrètary for Ireland to lay upon the Table, at the earliest possible date, his clause with respect to labourers. He need hardly remind hon. Members that a considerable agitation existed in Ireland in relation to this question. The question of the improvement of the condition of agricultural labourers had been many times before the House, and promises had over and over again been made that the matter should be looked into. He recommended Her Majesty's Government to allay the existing agitation as soon as possible by the production of the clause by which it was now intended to deal with this matter.

The CHAIRMAN pointed out to the hon. Baronet (Sir Hervey Bruce), that inasmuch as it would not make sense with the word "thereupon" in the Amendment of the Attorney General for Ireland, his Amendment could not be put.

Mr. CHAPLIN said, that the Irish labourer ought to be brought within the provisions of the Bill relating to a fair rent.

The CHAIRMAN pointed out to the hon. Member for Mid Lincolnshire that he was discussing words which were not before the Committee. The next Amendment, which stood in the name of the hon. Member for Exeter (Mr. Northcote), was also open to the objection which applied to the Amendment of the hon. Baronet, and that unless it were reconciled with the wording of the Bill it could not be put.

Sir HERVEY BRUCE said, he had an objection to leaving the labourers out in the cold, so to speak, until they reached the 46th clause.

The CHAIRMAN said, the Amendment could not be put for the reason he had stated.

Lord RANDOLPH CHURCHILL said, the Amendment had been moved before the objection was raised.

The CHAIRMAN: It does not read with the last Amendment after which it comes, and, therefore, as it stands, cannot be put.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved to leave out lines 32 and 33, which were as follows:—

"Such application may also be made by the landlord and tenant jointly. A fair rent means such a rent as in the opinion of."

MR. CHAPLIN said, when he was ruled out of Order, he was asking Her Majesty's Government whether, before the Committee proceeded further with the present clause, it would not be better that they should make some statement as to their intentions as regarded the position of the labourer. He was one of those who thought that if it was right for the Court to fix a fair rent for the tenants in Ireland the Irish labourers also should be allowed to participate in the benefit which might result. He thought the Government might give some idea of their views, because it was hardly fair to ask the Committee to decide upon this large and important question, which after all was the cardinal point of the Bill, until they knew what position the labourers were to occupy in the future. He understood the right hon. Gentleman the other night to say that the landlords would be at liberty in the future to charge labourers whatever rent they pleased; but the Committee ought to have an understanding from the Government, before they proceeded further, as to whether that was their intention or not. He begged to move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Chaplin.*)

MR. GLADSTONE said, a Motion to report Progress in order to introduce some matter foreign to the question before the Committee was a very irregular proceeding.

LORD RANDOLPH CHURCHILL admitted that, under ordinary circumstances, the Motion would be irregular; but the Motion in this case was entirely owing to the course the Chairman had taken. He wished to point out that the proposal of the Attorney General for Ireland would absolutely cut out a whole page of Amendments, and there was no single Amendment left. The Chairman had put the Amendment of the hon. Member for Coleraine, and then had discovered that the other Amendments could not be put; and he therefore thought the hon. Member (Mr. Chaplin), in consideration of the extraordinary position in which the Committee had been placed, was justified in making his Motion in order to elicit the opinion of the Prime Minister. He thought that Members having Amendments were hardly treated; and he recollected no precedent for an Amendment being put which designedly cut out every other Amendment on the Paper. Not a single Amendment could be put now until that of the Attorney General for Ireland's was reached.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he had not had the remotest intention of cutting out the Amendments of other hon. Members; but their Amendments could easily be moved lower down the clause.

SIR STAFFORD NORTHCOTE said, he was one of the sufferers in a certain sense, because he had an Amendment which, if the Attorney General for Irelands's Amendment was carried, he would be prevented from moving. The Committee were really in a position of some complication. With regard to his own Amendment, he should, when the question of the present Amendment was put, explain his own views as to the course taken by the Government, and as to the mode in which he should deal with the Amendment, so far as he was able to deal with it; but there were two questions upon this Notice both of which deserved consideration, and which he thought might properly be taken into consideration upon this clause. They were the questions raised by the hon. Member for Coleraine (Sir Hervey Bruce) and the hon. Member for Exeter (Mr. Northcote). Both these were accidentally shut out from the particular place in which they stood on the Paper in consequence of the omission of the words upon which they were grounded. That would not, as he understood, prevent a discussion of the words and principles involved by these Amendments when they came to the proper place; and he understood that what had caused a little anxiety in the mind of the hon. Member for Coleraine was that language was used which seemed to imply that he could not raise the question of the labourers until some distant clause of the Bill was reached. That he could not agree to; but he thought that when they came to put in words further on they would get a fair opportunity of discussing this question without any difficulty. It seemed to him that the course taken would be free from complication, if it was clearly understood that Members having Amendments would not be shut out from discussion in the course of the 7th clause, although they were at this particular part of the clause.

The CHAIRMAN: I should like to make a remark as to the point of Order raised by the noble Lord. It was impossible for me to do anything else than to move the insertion of the words which have thrown out other Amendments. Upon that point the Chairman has no option. It is a different matter when there is a proposal to omit words which cut out all other Amendments; for then the Chair tries to move as few of them as possible, and I moved only the omission of the words "such application may be also made."

Captain AYLMER: If you, Sir, had not hurried over these Amendments——

Mr. GLADSTONE: I rise to call the hon. Member to Order for challenging the ruling of the Chairman in this way. I give no opinion of the frequency with which the Chairman's ruling is challenged; but to say that the Chairman has hurried over Amendments is, in my opinion, a breach of Order.

Captain AYLMER: I beg the right hon. Gentleman's pardon. He should have listened to what I was going to say. I was saying that if you, Sir, had not hurried over these Amendments——

Mr. GLADSTONE: I call the hon. Member to Order, subject to your decision, Sir.

Captain AYLMER: I will leave out those words. I meant simply this. That as soon as you called attention to the fact——

Mr. GLADSTONE: I again rise to Order, and I hope the hon. Gentleman will tell us whether he adheres to those words or not.

Captain AYLMER: I was quite prepared, Sir, when you said the Amendment of the hon. Member for Exeter——

Mr. GLADSTONE: I again rise to Order; and if the Chairman is precluded from any sense of personal delicacy from putting this Question, which ought to be put to the Committee, I shall be prepared, in whatever may be the regular manner, to put it to the Committee whether language of this character ought to be used?

Captain AYLMER said, he was perfectly prepared to withdraw his words. He was trying to explain—he meant no offence to the Chairman—that he was not quick enough to follow the ruling of the Chairman that the word "thereby" being omitted, that excluded the Amendment of the hon. Member for Exeter. He was quite prepared to move that Amendment himself.

The CHAIRMAN: The Committee must remember that the hon. Member for Exeter said it would be more convenient to move that Amendment in another place. It was only after that intimation that the next Amendment was called from the Chair. Does the hon. Member wish that Progress should now be moved?

Mr. CHAPLIN said, he did not wish to prolong the scene which had occurred, and which he did not think was to the advantage of the Committee; but he moved to report Progress for the reasons he had submitted. The Prime Minister thought that had been a disorderly and irregular proceeding. He was sorry if that was the view of the Prime Minister; but he must point out that he rose to call attention to a question which, to his mind, was of very great importance. That question, under ordinary circumstances, would have been raised by the Amendment of his hon. Friend. That Amendment could not be put; and he would have had no other opportunity of calling attention to the question, except by moving to report Progress, in order to call the attention of the Government to it. If the Government were prepared to accept the suggestion of the right hon. Gentleman below him, he should be ready to withdraw his Motion; but he thought the Committee ought to have some understanding from the Government that the whole question of the position of the labourers should be discussed, and, if necessary, a division taken upon it before the 7th clause was finally settled. If fair rent was to be settled, Members on that side of the House were of opinion that it should be in the interest of the labourers, who, above all, had been more rack-rented than any other class. If the Government would give an assurance upon this point, he would not further delay the Committee.

Mr. GLADSTONE said, he had not described the conduct of the hon. Member as disorderly and irregular; but he thought the Motion was inexpedient in itself. It was competent to any hon. Member to propose in the course of the discussion of the 7th clause that the subject of rent for labourers' cottages should be introduced; but he was bound to say the Government were convinced that it could not be fairly dealt with till they came to the 46th clause. Another subject of anxiety was this—they hoped that the hon. Member would not propose the clause in such a way as that, if they felt compelled to meet it with a negative, and if the Committee took the same view, they should be precluded from introducing the subject, because the subject was a proper one for consideration, and he did not wish at this moment to express any adverse opinion. He was not sure that that difficulty might not arise; but there was perfect freedom to hon. Members to raise the question of the 7th clause, and that, he thought, was all that was needed.

Sir STAFFORD NORTHCOTE said, he thought the danger would be very much obviated if, when they came to the discussion of the subject, the Government would say what they intended to do.

Mr. A. M. SULLIVAN considered that the hon. Member was quite within his right in moving to report Progress; but that course had placed hon. Members below the Gangway in a very unfair position. They had been taunted the other night with being silent on a similar attempt to draw the Government; and although they did not consider the labourers' question the special property of any Members of the House, yet there were hon. Members who took a peculiar and strong interest in the subject, and, feeling that the Government were right in putting off the matter to a subsequent stage, they held their tongues upon this occasion. He would be the last to say that this sudden affection for Irish labourers was not made in good faith; but it was made to appear that the special friends of the Irish labourer were the hon. Gentleman and hon. Members above the Gangway, while the Irish Members, whose interest in the Irish labourers had not begun yesterday, were giving a helpful silence to the deliberations of the Committee. He rose to say, on behalf of himself and some of his Colleagues, whose interest in the Irish labourers had not been assumed for tactical purposes—they had desired to improve the Irish labourer's position in 1870—that they felt the time of the Committee was being wasted by this Motion, because the Government had refused to be drawn into a discussion of a question which could not be fully discussed at this stage of the Bill.

Mr. W. E. FORSTER: I am willing to believe that there is a general feeling in each quarter of the House that this Bill should leave the House of Commons with the labourers' question properly considered; but I think it would be very unwise to discuss, and I hope the Committee will not encourage any discussion, as to what part of the House feels more interest on this subject than another. I also hope that the labourers will not be damaged by any difference of opinion as regards the particular time at which the discussion can be brought forward. The right hon. Gentleman (Sir Stafford Northcote) has asked the Government to state upon this clause exactly what we propose to do with regard to the labourers. I am not prepared to do that, and I do not think it would be a convenient time to make such a statement. I believe that the result would be that in this clause, which is the most important clause as affecting the tenants, we should have another question introduced, which is not the main question of the Bill, although it is a question of immense importance, and there might be confused statements as to the position of the tenants, which would be damaging to the position of the labourers. It is rather unreasonable to ask the Government to do that, after what has been stated. I will put on the Table an Amendment expressing our views, and when I propose that Amendment the question must be brought forward. I thought there was an understanding that the Government, in dealing with this very difficult question, should consider how they could best deal with it, and should bring forward a separate clause. Now we are called upon to anticipate the discussion upon that, and all of a sudden to bring the subject forward for discussion. That course would be open to the objection that it had been sprung upon the Committee, and that hon. Members had been taken by surprise. I am not prepared to bring the question forward on this clause. This is a question of fixing a fair rent; and if hon. Members wish to have a discussion as to whether and how far the rents for labourers' cottages should be controlled, they will not be prevented from thoroughly bringing that question forward. It is a very important matter; and perhaps I may appeal to the hon. Baronet the Member for Coleraine (Sir Hervey Bruce) not to put any formal difficulty in the way of that being done, and to oblige us, with our strong feeling that this is not the right time to raise the question, to vote against his Amendment.

SIR WALTER B. BARTTELOT said, all that was asked was, where and when it should be discussed? And it was only fair that the Government should tell them. They had been told that there was a certain clause in the Bill upon which the question might be raised and discussed. He and those who acted independently with regard to this Bill were most anxious that it should be fully and fairly discussed. They took a deep interest in the well-being of the landlord, the tenant, and the labourer; and, from the labourers' point of view, the Prime Minister would do well to state where they could discuss the question, because the labourers' position deserved serious consideration.

MR. W. E. FORSTER repeated, that the Government thought the question could be best treated by a clause which he would undertake, on behalf of the Government, to move.

MR. MACDONALD reminded the Committee that the hon. Member for Louth (Mr. Callan) brought forward a Motion a short time ago dealing especially with the labourers' question, and the Government gave a distinct assurance that at the earliest moment they would deal with it. Why this trying to force the matter? They had a Government pledged to do right—one that was more disposed to do well for Ireland than any one that had ever existed. And now what was this new-born zeal for the labourers? Who was on the Front Opposition Bench when the question was discussed? Only one person—the Nobleman who, long years ago, said—

> "Let laws and learning, arts and commerce die,
> But give us still our old nobility."

The noble Lord (Lord John Manners) was filled with new-born zeal for the labourer, and he appeared to have given up the old nobility. There was also the hon. Baronet, the Member for Coleraine. But the other Benches were empty; and the labourer was brought there as a red herring across the path of the Government.

LORD GEORGE HAMILTON rose to Order, and asked whether any hon. Member was in Order in imputing such a motive to other hon. Members?

THE CHAIRMAN: I think the hon. Member would do much better not to impute such motives. The Question before the Committee is the question of reporting Progress.

MR. NEWDEGATE suspected the announcement from the Government would come, and he rejoiced that it had been made; but he wished to point out why this question was applicable to the substance of the present clause. They were creating a new Governmental authority to intervene between the landlord and the tenant; and he felt that if they were to create an efficient authority to protect the Irish labourers, it must be coupled with this novel authority by which they proposed to intervene in regard to all properties in Ireland. He hoped the hon. Member for Stafford (Mr. Macdonald) would excuse him for saying that he (Mr. Newdegate) had been known a long time in the House, and, as one of those who carried the Ten Hours' Act, for expressing some interest in the labourers—even though they were Irish.

SIR STAFFORD NORTHCOTE: I think the right hon. Gentleman the Chief Secretary misunderstood something I said a few minutes ago. The matter stands thus. The hon. Member for Coleraine (Sir Hervey Bruce) desires to raise on the 7th clause the question of the labourers. A technical difficulty prevents him raising it at this moment; but he still has the power, and he intends to exercise it, to raise the question before we come to the close of the 7th clause. The Prime Minister assented to this; but, at the same time, to guard himself from saying that the Government assented to that being the proper time, he expressed a hope that the hon. Member would not put the question in any such form as might preclude or embarrass any subsequent Motion the Government might desire to make in the interest of the labourers. I, in reply to that, said it would be much easier and more certain to enable my hon. Friend to avoid putting the question in a way embarrassing to the Government, if we were informed before we came to the discussion, or on the discussion, exactly what the Government proposed. It is all very well to say this question has been suddenly sprung upon the Committee; but it is not suddenly sprung. It is a question which has been in the minds of all of us in the discussions on the Bill, and everybody knew the moment must come for considering the question; and all we ask is —and that was why my hon. Friend moved to report Progress—whether we may have an assurance that we shall not be shut out from the discussion of this question on this clause? If the Government have any reason why we should be shut out, they should tell us what they propose. But I hope we shall now be allowed to go on, and I hope my hon. Friend will withdraw his Motion.

Mr. CHAPLIN said, he had not entirely gained his object; otherwise he should withdraw his Motion. He was quite sensible that the right hon. Gentleman had made certain concessions; and if the Government would answer one question, the Committee could proceed with the Bill. The worst cases of rack-renting had occurred in regard to sub-tenants, the tenants to whom the Bill was to apply; and all that he wanted to know was whether the Government did or did not mean that the sub-tenants and the tenants to whom the Bill would apply, should have the same benefits from this clause as the tenants to whom the present law applied?

Mr. W. E. FORSTER: I think the hon. Member is a little under a misapprehension of the facts. It is not the case that "sub-tenant" is another term for "labourer." They are quite distinct, and if the hon. Member wishes to raise the question of sub-tenants, it would be better to raise it in actual words with regard to sub-tenants. It is quite a mistake to state that the two terms are one and the same.

Mr. CHAPLIN said, there were labourers who were also sub-tenants; and the right hon. Gentleman had not answered his question, whether the sub-tenants were to have the advantage of the Bill or not?

Mr. GLADSTONE: The sub-tenant is the man who of all others gets the advantage of this Bill.

Mr. MACARTNEY stated that there were a great number of sub-tenant labourers in Ireland who occupied small holdings on the farms of small farmers, and their condition was sometimes extremely hard. In the North of Ireland those men got a house each with a small plot of ground, for which they were supposed to pay a small sum annually; but, in addition to the rent, they were bound to give the farmers either two or three days of every week in the year. Those men occupied the position of sub-tenants. He thought the arrangement in this clause an excellent one, and he saw nothing to prevent hon. Members from bringing forward their Amendments afterwards.

Lord JOHN MANNERS said, it was clear that the clause as it stood did not show whether the sub-tenants who were labourers would be excluded from the operation of the Bill.

Motion, by leave, *withdrawn.*

Question again proposed, "That the words 'such application may also be made by the landlord and tenant jointly. A fair rent means such a rent as in the opinion of,' stand part of the Clause."

Sir STAFFORD NORTHCOTE: I wish to say a few words on the effect which this omission may have on the Amendment I intended to move, but which I shall now be precluded from moving. The clause, as it was originally drawn and inserted in the Bill, provided that a fair rent should be fixed by the Court, subject to certain directions which were to be given in the Bill. Many of us considered that those directions were not of a satisfactory character, and I, therefore, gave Notice that it would be my wish to move certain words which would alter the character of those Amendments. I will not go fully into the matter, but, speaking generally, the object was to limit the discretion of the Court in fixing a fair rent so far as to prescribe the kind of interests which the Court should take into account in fixing a fair rent. Subsequently to that the Government decided to leave out part of the clause which gave these directions, and instead thereof to provide that the Court shall fix the fair rent. If that is maintained I shall not move anything in the nature of my Amendment; but I see that there are other Amendments, especially one by the hon. and learned Member for Tyrone (Mr. Litton), which would go back, to a certain extent, to give these directions to the Court. If the hon. and learned Member moves that, and it should be adopted, I shall probably think it necessary to move some words in addition to it. At the present moment I am satisfied to accept the Attorney General for Ireland's words without any addition.

MR. GLADSTONE: The right hon. Gentleman the Leader of the Opposition has taken a course which is well qualified to promote progress. I almost infer that he is prepared to accept the proposal of the Attorney General for Ireland, and, on the whole, to leave the matter to the discretion of the Court. I am bound to say it would not have been fair, with the Amendments we propose, to introduce references to the tenant's interests. I must go a little further. I wish to state without prejudice my own opinion as to the proposals to introduce references both to the landlord's and the tenant's interests; and it is, that we had better have no reference to the tenant's interests. We have proceeded, as I think wisely and to my great satisfaction, by dealing in the 1st clause with the tenant's interests entirely apart from reference to the landlord's interests; and I would appeal to my right hon. Friend, who has given indications of a particular view on this subject, whether that is not the wisest way to deal with it? If we mention the tenant's interest and the landlord's interest together, that will at once give rise to the notion that they are in direct opposition to one another, and that what you give to the one you take from the other. The noble Lord the Member for Middlesex (Lord George Hamilton) made use of a pithy and happy expression on this subject, which I thought was not only true, but contained a pregnant portion of the truth on this matter. He said in substance this—Whatever the abstract notion in Ireland might be, and in reference to the holding of land, two halves were more than the whole. And I think that should be borne in mind—that is to say, the man who is to occupy the land, according to the usage of the country and in concurrence with his own interest, is ready to pay in tenant right and rent a greater sum for land than he would consent to pay on any consideration for land alone. If a landlord had bought up the tenant right, he never could get from the tenant a full acknowledgment of that tenant right. I have heard of cases in Ulster where landlords have bought up tenant right, and have then attempted to add the interest of the right. I think it is our business, as far as we can, to prevent the growth of the mischievous notion of direct conflict between the interest of the landlord in his rent and of the tenant in his tenant right. I hope the Committee will forgive me for giving utterance to this opinion. It is not done with any exclusive view as to either party, but because we believe it is best for the structure and well-working of the Bill. I hope we shall succeed in keeping the definition of fair rent as simple as possible.

MR. GORST said, he could not assent to the idea that two halves were greater than the whole. Whatever Parliament or the Court settled as a fair rent, that which they took from the landlord would be that which they gave to the tenant, and that which they gave to the landlord would be that which they took from the tenant. The Attorney General for Ireland's Amendment would leave the determination of this difficult question to the Court; but he thought the Court should determine the fair rent upon some principle. If Parliament gave no indication of the principle by which the Court was to be guided, the property of every landlord and every tenant would be left entirely to the caprice of the Court. He did not think there was any precedent for this; and if the Legislature gave no indication to the Court as to what principle it was to proceed upon, there would be endless litigation. Everybody would have to go to the Court and become involved in litigation before the rent of any holding could be settled. But the evil would not stop there, because the Court would not give with its judgments the principles upon which it had proceeded. If the Court were like an English Court it would give the principles upon which it proceeded, and the principles would become settled by judicial decisions, and we should have a Code of Jugde-made law by which everybody could beforehand determine the value of any particular kind of property. The consequence of leaving the Court without any principles to guide it would be that no landlord would be able to tell what was a fair rent to demand, and no tenant would be able to tell what was a fair rent to give, without going to the Court. In the particular circumstances of Ireland, and of political Parties, that might be a convenient course to take. The Government had been asked, over and over again, how they were going to measure the tenant's interest; but it appeared that that question was never going to be answered, and he thought those who desired that legislation should be based on principles of sound political economy ought to protest against this course. At all events, the Bill ought to define the landlord's and the tenant's interests, and to give such instructions as might guide the Court in applying the law.

Lord RANDOLPH CHURCHILL said, he thought the Attorney General for Ireland's Amendment was a great improvement on the drafting of the Bill, and he did not believe the Court would have much difficulty in arriving at a fair rent. Fair rent in Ireland did not mean rack rent; and it would be found when the Court was in operation that of the rents at present existing two-thirds were fair rents, and not rack rents. As the Bill had been understood, it must be recollected that the tenant of any holding in Ireland would not be able to assign his interest in the holding except for the term which he held it; and he did not think that saying by Act of Parliament that the tenant might sell his interest would put him in any better position. Another element in the tenant's interest was what he had paid for the property. He had his tenant right; but where the tenant had paid nothing, that right would not be granted by the Court. Then there was a third element—namely, improvements. He had no doubt that where a tenant had not made any improvements the Court would not award him compensation; though where a tenant had made improvements the Court, no doubt, would give compensation. He thought the limitations which it had been proposed to insert in Clause 7 would have very much tied the hands of the Court, and would have tended to do great injustice to the landlords. The Committee might very well entrust the settling of a fair rent to the Court, provided that the Court was constituted in such a manner as to command the confidence of all parties. The Court must be not a Court of landlords or a Court of tenants, but in every sense of the words a Court of Justice; and if that was secured, he did not think there would be any difficulty in arriving at a fair rent, which would practically meet the wishes of both parties.

Mr. BRYCE said, he thought the Government did well in not attempting any definition of fair rent. The criticisms of the hon. and learned Member for Chatham (Mr. Gorst) were very natural from the point of view of an Englishman and a lawyer; but he ventured to remind him that there were things which it was very difficult to define in the abstract, although they were well known in the concrete. If one travelled in Ireland and asked people to tell him what was a fair rent, no doubt some difficulty would be experienced in getting a clear definition; but the people engaged in agriculture were always able to point to some particular estate on which they considered the rents to be fair. Therefore, he did not suppose that the Court, which would be composed of persons familiar with the working of farms in Ireland, would have any difficulty in forming an opinion as to what was a fair rent. From his own experience in travelling through Ireland, he could say that practically the persons concerned on both sides—landlords, agents, tenants—knew what was meant by a fair rent, and agreed in the sense they put on the term. At the same time, he must express a hope that, considering the uneasiness which existed in the minds of the tenants, caused by the belief that the omission of the words which had stood in Clause 7 might prejudice their interests, Her Majesty's Government would admit some words with the object of conveying to them that not only the value of their improvements; but also, over and above that value, their goodwill, occupation, right, or whatever else one was to call the tenants' interest, would be taken into account in estimating the fair rent.

Mr. CHAPLIN said, he could not accept the doctrine laid down that the tenant right and the interest of the landlord did not in any way interfere with each other, and that it would simplify things if the Committee made up their minds to dissociate them. To a certain extent he agreed with the Prime Minister in saying that when a landlord bought up the tenant right he would receive an equivalent; but he could not go the whole length of the argument of the Prime Minister, which amounted to this—that the rent would be the same whether there was tenant right or whether there was not. He disputed that proposition entirely. It had been pointed out before the Commissioners, as by no means an uncommon case, that the lowest price paid for the tenant right was 20 years' purchase; the average being 40 years' and the maximum 60 years' purchase. Could the right hon. Gentleman mean that, in cases of that kind, the same price would be paid whether the tenant had paid for the tenant right or whether he had paid nothing for it? [MR. GLADSTONE: I do not believe it.] Then, what became of the argument of the right hon. Gentleman that the tenant right and the landlord's interest were utterly dissociated? [MR. GLADSTONE: That was not my argument.] He did not share the opinion of the noble Lord the Member for Woodstock (Lord Randolph Churchill) that the Court would have no difficulty in arriving at a fair rent. He advised the noble Lord to read some of the speeches of the right hon. Gentleman on this question. He would find in them a whole series of arguments that would positively appall him, and shake his faith in the ease with which a fair rent would be settled by the Court. They were told what the Court would do and what the Court would not do; but he reminded the Committee that these statements were utterly worthless. In his recollection similar things were said during the passage of the Act of 1870 with regard to the effect of the Bill, and it was perfectly well known now that they were of no more value than waste paper. In that year the right hon. Gentleman said that from the day that the Act passed every Irish tenant would be absolutely bound by the contract into which he entered; but the fact that it was now contemplated to interfere with existing leases was a proof of the total fallacy of that assumption. He was bound to say that he had no more faith in the assumptions of the present day than he had in those of 1870.

MR. LITTON said, that he had come to the conclusion that it was wise on the part of the Government to abandon the idea of defining fair rent, and to revert to the system which his hon. Friend (Mr. Bryce) had said was perfectly well understood throughout Ireland. There would, he thought, be no difficulty in getting two honest farmers to agree upon what was a fair rent. The Bill, as it originally stood, contained a direct reference to the interest of the tenant, by which they had been led to believe that there was a value attached to the words which probably went far beyond what they indicated. But these words having been struck out, he thought the tenants would be naturally alarmed, because they looked upon them as the recognition of the principle for which they had contended for years, and would, at the same time, impute a change of mind to the Government. Now, he was of opinion that political considerations were as important in such matters as legal considerations; and, looking at the question from a political point of view, he asked whether it was wise to frame this clause strictly upon the lines of legal draftsmanship? Would there not be a loss of weight and power in adopting the bare and narrow language of his right hon. and learned Friend the Attorney General for Ireland in place of the full and explicit language of the clause? If there was such loss of weight and power by leaving unsatisfied the aspirations of a large class of persons who were in favour of the Bill as it originally stood, then he would ask the Government to agree to the admission of some words which would remove those anxieties. He did not wish any words to be inserted which would convey to the tenant the idea that he was to have anything over or above what the simple term "fair rent" would give him; but if, as it was, or ought to be, the desire of everyone in that House that the Irish tenant should be contented with this measure, and if this could be secured by the addition of words which would meet the tenant's wishes without doing injustice to the landlord, then, he said, there was a strong case for adding the words contained in his Amendment lower down upon the Paper—namely, "having regard to the tenant's interest in his holding."

The CHAIRMAN pointed out to the hon. and learned Member for Tyrone that it was not competent to him to advocate the Amendment referred to, inasmuch as there was a number of other Amendments standing before it upon the Paper.

Mr. LITTON said, in that case, he had merely to express his willingness to accept any words that might be suggested which would secure the object he had in view.

Mr. CARTWRIGHT said, he hoped that, if the clause was not adopted as it originally stood, the Amendment which the Committee would sanction would not be that of the hon. and learned Member for Tyrone.

Mr. A. M. SULLIVAN said, that the omission of the words proposed by the Government to be struck out would raise the question whether they ought or ought not to put into the clause any indication that the Court must not charge rent upon the tenant's interest in his holding, whether that interest was in the shape of improvements or otherwise. He deplored that the Government had receded from their original intention of putting into Clause 7 a plain statement or indication that, in determining a fair rent to be imposed upon the tenant, that in no case should he be rented upon his own interest in the holding. The Government were, no doubt, anxious to avoid the difficulties threatened by the Opposition in connection with this subject; but he reminded them that they were only purchasing present ease by laying up future troubles. They left to the Court to determine what was a fair rent; and either they intended, or they did not intend, that the Court should act upon the lines of the Bill as it originally stood. If the Government believed that the Court ought to take into consideration the elements referred to in the clause as it then stood before the Committee, there could be no sensible reason why they should not say so. But if they believed that the Court ought not to take those elements into consideration, then he would only say that the change proposed by the Government was ominous, and full of alarm and dismay to the tenants of Ireland. He ventured to differ from the opinion of his hon. and learned Friend the Member for Tyrone (Mr. Litton) that the Court, in considering what was a fair rent, would take these elements into consideration; and suggested to him, as a matter of law, that the Court would be held to the purview of the elements legally before them, and that the only interest of the tenant which the Court could legally consider, unless they had the authority which the Government originally contemplated, was the legalized interest which the tenant now had in his improvements, and in compensation for disturbance under the Act of 1870, which latter could not arise until he was actually disturbed. Nothing was clearer to his mind than that the Government wanted to take a short cut out of the difficulties presented to them by the Notice Paper of the House, by hinting to the Commissioners that the Government's mind was expressed in the words of the clause as it originally stood, and by expecting the Commissioners to save them from the broil that would arise in the discussion from their endeavours to carry the clause without alteration. If he thought the Commissioners could fairly and legally do that, he should be glad to aid the Government in lightening the difficulties which surrounded this subject. As he had already pointed out, if the clause was mutilated the Commissioners could only take into view the existing legalized interest of the tenant in his holding. They would give him the measure of that, and he asked the Attorney General for Ireland where the Commissioners were to discover or invent any other legalized interest of the tenant other than those which he had indicated? His uneasiness entirely arose from this—that the Court would be precluded from taking any interest of the tenant into view save that which existed in legal purview at the present moment. The Government, when they originally drafted this clause, had that fact before them; and with regard to its operation in Ireland, he said that there was no clause in the Bill which attracted public confidence so largely as Clause 7, and that there was no line in Clause 7, nor proposition or sub-section of the clause, deemed by the tenants to be more beneficial, equitable, or necessary for them than the very lines which were now proposed to be excised. And why? Because in those lines an attempt was made to recognize in the Statute Book that the tenant of Ireland outside Ulster—

that long-favoured corner of their Island—had an interest at law which he had already in equity—namely, an interest independent of his improvements. He heard people saying that it existed already in Ulster, but nowhere else in Ireland. But this tenant's occupancy right existed all over Ireland. It existed in Munster as strongly as in Ulster; in Connaught as equitably as ever it arose in Ulster; and the only difference was that in the corner of Ireland which the English Government bought as a plantation it was recognized by law, where else it was not. The ægis of law was thrown over this right in Ulster, whereas in the other parts of Ireland it was left to protect itself by, as he might say, the savage and rude justice of legal crime. But the equitable principle existed that, where a family had been, perhaps, for 200 or 300 years upon a farm, the very soil of which they had created, they had an interest quite apart from the visible improvements which they could claim for under the Act of 1870, and prove by legal evidence. Moreover, the Prime Minister had over and over again, in the course of the discussions which had taken place upon the Bill, recognized that right; and the Attorney General for Ireland, whose acquaintance with the subject was minute, would say that that right was just and equitable. The recognition of that right at law, which was originally promised, was the one point which awakened the interest of the tenant farmers in Ireland, because they said at last the Queen's Government was going to put them on an equality in point of equity and justice, whether they belonged to the favoured corner of Ireland or to the other portions of it. That right was there as sacred and as strong as was ever the Ulster tenant right, which was only a thing of 250 years' growth; whereas in the other Provinces of Ireland the same occupancy right dated from hundreds of years previous to the reign of James I. He had already met what he considered to be an unjust cry against this Bill—namely, that it would lead to litigation, by saying to the tenants, if they had legal rights conferred upon them, they must be prepared to assert them or defend them in a Court of Law. But this proposal of the Government would lead to litigation of the most vexatious kind. Over-definition was a great weakness and a great embarrassment, and he entirely sympathized with the Government in their desire to avoid it; but on this occasion he thought they had gone into the opposite extreme in thinking they need only to say to the Court—"Settle the fair rent." It was said that any two farmers could settle what was a fair rent, and, no doubt, it was true that any two farmers in Tyrone could do this; but take any two farmers from another county, and they would tell you quite a different tale from the others. The only attempt scientifically to determine data for the fixing of fair rent had been made by the valuators of Sir Richard Griffith in 1862; but even those valuators had differed widely in their valuations with regard to counties in the North and South of Ireland in cases where, as any agricultural chemist would declare, the land was of the same quality. And, therefore, if it were left to the Court to fix a fair rent without giving them some indication of the tenant's interest to be protected, he denied that he had any protection under the clause. Why should the Government shrink from giving the Court that indication? He could not believe that in their desire to get out of a difficulty they would sacrifice the interest of the Irish tenant. Watching how the Government had given way to the activity of hon. Members above the Gangway, he could not help coming to the conclusion that all that was necessary to induce the Front Ministerial Bench to accept mischievous Amendments to the Bill was for the opponents of the measure to make a great row. He sincerely hoped the Government would consider the danger of abandoning the protective and most beneficent proposals which they contemplated passing for the benefit of the tenant, and trusted that they would insert words in the Bill which would give the tenant an equitable protection.

MR. H. H. FOWLER said, he entirely agreed with almost every word that fell from the hon. and learned Member for Meath (Mr. A. M. Sullivan). But he must point out, with respect to the discussion he had raised, that this was not the time at which it could be fairly decided. The point they were at was to leave out lines 32 and 33; and if the Committee would look at the Bill they would see that it was necessary that those words should be left out before they could consider the Amendment of the hon. Member. If the Attorney General's Amendment was carried they might then proceed to determine what was a fair rent. He was sure that the Government did not wish that the Court should be practically precluded from considering what was the tenant's interest in the holding. He should be perfectly prepared to support either the Amendment of the hon. Member for Salford (Mr. Arthur Arnold) or that of the hon. and learned Member for Dundalk (Mr. Charles Russell), which would make it clear that the Court was to take into consideration the tenant's interest in the holding; and, in order to get at that point, they should now pass the present Amendment.

Mr. W. E. FORSTER said, he could not admit that his hon. Friend's (Mr. Fowler's) recitation of his right hon. and learned Friend's (the Attorney General for Ireland's) Amendment gave the correct meaning. He merely rose to support his hon. Friend's appeal, and to accept the words which the Attorney General for Ireland had proposed.

Mr. A. J. BALFOUR said, there was some inconvenience in following the right hon. Gentleman's suggestion. They had already discussed this question an hour and a-half; and to say, after that, that they had better drop the discussion, and that they should resume it on the original Amendment, was not to save time, but to waste time. The discussion had been carried to such great length that it would be better to carry it out to the end. If they did what the right hon. Gentleman asked them to do they would have all the discussion over again. But if there were no other Amendments between the one now moved and the other Amendment of the right hon. and learned Gentleman, he would reserve what he had to say until the other Amendment was moved.

The CHAIRMAN said, he had not kept the Committee strictly to the Amendment before it, because, undoubtedly, the Attorney General for Ireland's Amendment was only one part of a larger Amendment; but it was quite true that, as the hon. and learned Member for Chatham (Mr. Gorst) had altered his Amendment, he might bring it on after the Amendment of the Attorney General for Ireland had been carried.

Mr. A. J. BALFOUR remarked, that his hon. and learned Friend was not going to give up his right to move his Amendment; but as the whole question had been raised they had better proceed with it. With regard to the speech of the hon. and learned Member behind him (Mr. A. M. Sullivan)——

Mr. W. E. FORSTER said, he hoped the hon. Member would allow him to interrupt for one moment, if the hon. Member intended to proceed with this discussion. If they proceeded with it, the division would not really represent the views of hon. Members. If these words were accepted, the question now under discussion could be brought up in a manner in which it could be discussed.

Lord EDMOND FITZMAURICE said, that if it was the intention of the hon. and learned Member for Chatham (Mr. Gorst) to move his Amendment it would give an opportunity for observations being made upon it. His impression was that the hon. and learned Member would not move it, but would allow the Attorney General for Ireland to proceed. But there was nothing to prevent the point raised by the hon. and learned Member for Meath (Mr. A. M. Sullivan) being discussed as well as the Amendment of the hon. and learned Member for Chatham, which was germane to the issue.

Mr. A. J. BALFOUR said, that after what had fallen from hon. Members he would reserve what remarks he had to make until later.

Amendment (*Mr. Attorney General for Ireland*) *agreed to.*

Mr. GORST said, he would now move his Amendment to follow after the words already agreed to by the Committee, and which would make the most perfect sense—"The tenant is to apply to the Court to fix what is the fair rent thereupon." It then went on to say that the fair rent should be fixed by the Court in the following manner. He should move to leave out the words "shall raise the rent," in order to insert the words "shall estimate the fair rent to be paid in the following manner." He moved his Amendment because he thought it would conveniently raise a discussion which might be considered by the Committee before making further progress with the Bill. His original intention in putting this Amendment on the Paper was, if he might use a vulgar expression, to bring Her Majesty's Government to book. This was a point on which they had pressed for information which they had never obtained, and that was, how did the Government propose to put a money value on the tenant's interest? Being wholly ignorant of Irish affairs, he had been very curious ever since the Bill was proposed to ascertain from the Chief Secretary to the Lord Lieutenant, or from the Attorney General for Ireland, or from any Member more instructed upon the law of Irish land or the custom of Irish land than he was himself, how they were going to estimate the money value of the tenant's interest, because that did seem to him to be the whole gist and purpose of the Bill. What was this which was going to be done to put a money value on the tenant's interest in Ireland? When the Attorney General for Ireland put the Amendment on the Paper he was most bitterly disappointed, because he then found that the Government did not mean to answer this question at all. They did not mean the House of Commons to declare what was to be the value of the tenant's interest at all, but meant to relegate that difficult question to the tribunal which was to be created, and the House of Commons was to pass this Bill into law without having the slightest idea of the mode on which the tenant's interest was to be calculated. His disappointment was much aggravated by the continual lamentations they heard on the distress in the North of Ireland. He referred especially to the hon. and learned Member for Tyrone (Mr. Litton), who made a long and interesting address on this Bill, and who, in his opinion, made clear what was a fair rent. If it was so easy to determine what was a fair rent, why should not the House of Commons be informed of how it was to be arrived at, and why should not the principles on which the fair rent was arrived at be bound into the law of the land in the Bill? He understood from the right hon. Baronet (Sir Stafford Northcote) that the Opposition was perfectly content to leave the matter to the Court. He could understand that might be the opinion of those who rather conceived it might be the interest of Irish landowners to leave the matter to the Court. With that idea he did not see why those independent Members of Parliament who did not appear there as the advocates of landowners' interests, but who desired that a measure should be passed, which should be founded upon justice, for the permanent peace and satisfaction of Ireland, should be satisfied with such an answer as that. Because it appeared to him that it would be quite as much to the interest of the tenant as it would be the right of the landowner that this matter should not be left at large, but should be settled by Parliament in some form or shape. If this measure was attempted to be dealt with leaving this matter at large, Irish tenants would await with interest and impatience the decisions of the Court to be created. But if those decisions were not satisfactory to the Irish tenants, it was quite certain that fresh agitation would immediately arise for fresh legislation in accordance with the views of Irish tenants. Therefore, if this Bill was to be a settlement for either landlords or tenants, and was to stop further agitation, Parliament would do well to lay down in the Bill itself the just and fair considerations on which the tenant's interest was to be created. So far, he was in accord with opinions expressed by Irish Members behind him, that Parliament ought to lay down in the Bill itself the principle on which the tenants' interest in his holding was to be estimated. So far, Irish Members agreed with him, and so far as this was an attempt to show how the Courts should be guided in the estimation of the tenant's interest he should have their support. Then came the question whether the principles on which the tenant's interest ought to be estimated were correctly put in this Amendment. He supposed the tenant's interest consisted in his improvements, and in whatever consideration he had given in money or in any other manner for the land in his possession. He did not know what else the tenant had a right to. He had heard vague indications thrown out by the Government, and the hon. and learned Member for Dundalk (Mr. Charles Russell) had thrown out vague intimations, that beyond the value of the improvements, beyond the value the tenant might have paid for the land itself, there was something else which was also the property of the Irish tenant. What was that something else; how was its value to be estimated? If anyone would amend his Amendment by inserting a description of what the future property of the tenant was to be, and how it was to be arrived at, he believed that the curiosity many of them had felt since this Bill was introduced would be satisfied. Therefore, he moved this Amendment with a view of putting on record his own strong opinion on the subject; secondly, with a view of eliciting, if possible, from either Her Majesty's Government or their legal friendly adviser, the hon. and learned Member for Dundalk, a description of what there was more than the improvements, and what was given for the tenancy in as clear, plain, and precise terms as this Motion did.

Amendment proposed,

In page 6, line 34, leave out from (3) "a fair rent" to "title," page 7, line 12, and insert,—"The fair rent to be paid for a holding shall be estimated by the Court in the following manner:—

"(1.) The Court shall estimate the gross rent which a solvent and responsible tenant would pay for such holding if let by competition in the open market;

"(2.) The Court shall estimate the gross capitalised value of such holding if sold in the open market;

"(3.) The Court shall estimate the tenant's share of such gross value which shall be the pecuniary value in their then existing state of the improvements in such holding (if any) made by the tenant or his predecessor in title, together with the then pecuniary value of the tenant's interest in such holding in respect of any consideration which may have been given by the tenant or his predecessors in title with the express or implied consent of the landlord or his predecessors in title for coming into such holding;

"(4.) The Court shall calculate what part of the gross value the value of the tenant's share constitutes, and shall deduct a corresponding part from the gross rent;

"(5.) The remainder of the gross rent shall be the fair rent of the holding."—(*Mr. Gorst.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

Mr. A. J. BALFOUR said, if the Government were to attempt to define what the tenant had received and were to analyze what he was to receive they would either give to the tenant nothing that he wanted or they would expose themselves to criticism that would be exceedingly inconvenient. Her Majesty's Government, as far as he could make out, had originally intended to do what the hon. and learned Member intended to do—namely, to restrict the discretion of the Court by elaborate and carefully framed rules. There was a good deal to be said in favour of that course. There was also a good deal to be said in favour of leaving the whole matter to the Court. But there was very little to be said in favour of a proposal to give the Court no discretion at all, or to give them some vague wording which would not guide the Court, but which would have the effect of raising vast, undefined, and probably erroneous notions in the minds of the Irish peasantry. The hon. and learned Member for Tyrone (Mr. Litton) said that what the Court would have to determine, in settling the amount of a fair rent, was what was a fair return to the tenant, for his labour, and what was a fair return for his capital. In other words, the hon. and learned Gentleman expected the Court to decide what fair wages were, and what fair profits were. No Court was ever asked to decide such a thing before, and he hoped that no Court would ever be required to do it again; but if they did require the Court to do that, they had swallowed the camel, and should not strain at the gnat. Having agreed that there should be a Court, let them either not trammel it with any directions at all; or if there were to be directions, let them, at all events, be as clear and as precise as they could be made.

Mr. T. P. O'CONNOR said, he thought it rather suspicious that the hon. and learned Gentleman (Mr. Gorst) should recommend the Government to accept the proposals of his hon. Friends around him (Irish Members). He ventured to think the hon. and learned Member was acting the part of the rough countryman who looked innocence itself, but who played a card in these confidence tricks that so frequently came before the police courts. The hon. and learned Gentleman got up, and, with an air of innocence, said—"What is this which the Treasury proposes to give to the tenant?" Would no one on the Treasury Bench, the hon. and learned Member asked, get up and attempt to answer that question? Now, it was too late in the day to have a re-hash of that extraordinary conundrum of what passed for knowledge of Irish affairs on the Treasury Bench. What was proposed to be conceded to Irish tenants by this Bill was a very elementary concession. It was the right of 2,500,000 people in

Ireland to live in Ireland on better tenure than they lived now. The hon. and learned Member's definition of the tenant's right to his holding, or to the improvements made by him, was that these improvements must have had the express or implied consent of the landlord. He proposed that the right of a tenant should consist of the amount of money he had paid for his tenant right with the consent of the landlord. That was a simple proposition, quite in accord with the simplicity and ingenuousness of the hon. and learned Member's nature. That was to say, that if a man paid £1,000 for his tenant right, and was under a good landlord, he would be in a worse position than if he was under a bad landlord. With regard to improvements, he would be quite willing, if the improvements included all the reclamations made by all the tenants in Ireland in their holdings; but he thought it would be wasting the precious time of the Committee to consider further the Amendment of the hon. and learned Gentleman; and he hoped the Committee would be permitted to go to the question, whether or not the Court should have specific directions. He would only say one word on that point, and that was, that every single man he had spoken to on this question was clearly of opinion that the Government was making a step in the wrong direction. Among others he might mention his hon. Friend the senior Member for the County of Carlow (Mr. Gray), who was certainly one of the clearest-headed and best judges in that House, and who represented one of the most moderate sections of Members, and who was distinctly of opinion that the policy of the Government was disastrous almost to the Bill.

Mr. MARUM said, the hon. and learned Gentleman near him confounded two different and distinct things. He asked what was the property of the Irish tenant? Well, it was decided that the Court, after hearing all the parties, and considering all the circumstances of the case, should decide what was a fair rent. He confessed it was with great disappointment that the tenantry of Ireland found the change that was made by omitting that prominence of the tenant's interest in the first part of this clause that was given in the second. When he went down to Kilkenny after the first draft of this Bill, he strongly impressed the fact of the great prominence of the tenant's interest, and the great security derived therefrom; and it would strike them with great disappointment, and they would call him justly to account for the difference between the original draft and what was forthcoming. No doubt, the Prime Minister did state at the time this draft was brought forward that it was open to criticism, and that he was not very sure of the words which might be put in.

The CHAIRMAN: I must remind the hon. Member that the Amendment before the Committee just now is the Amendment of the hon. and learned Member for Chatham (Mr. Gorst).

Mr. MARUM said, he was perfectly aware of the Amendment that was before the Committee, and of the solution that was proposed of the difficulty which pressed on the Government. The second consideration was the nature of the holding—namely, what was the character of the soil, whether it was grass land or arable land; and there was also the material consideration as to what were the improvements, and who made them. There was a great difference in the degree of improvability of different soils. An expenditure of capital on one soil might produce 25 or 30 per cent, whilst in the case of another it might only produce 2 or 3 per cent. Then there was the question of the "circumstances of the district," which meant the rental of the district, its contiguity to markets, and its altitude. If they looked at the published evidence they would find that in Kerry the farmer was a long distance from the Cork butter market; and the difference between the position of that farmer and the farmer in the Waterford district, who was near a good market, was very great. All these matters were to be considered in the circumstances of the district; but the most important of them was the rental of the district. In judging this matter they could not have regard to the rentals of England or other countries—they could not make any comparison. The reason he made this remark was because he had placed upon the Paper an Amendment to the effect that in addition to the circumstances of the case, the circumstances of the holding, and the circumstances of the district, the circumstances of Ireland should be taken into consideration; and, in addition to that, he proposed to move an Amendment to the effect that regard should be had to the prices of agricultural produce, and the cost and production of the same. These Amendments were not clearly before the Committee now; but he mentioned them because, looking at the mode in which Amendments had been taken, he was at a loss to know when he would be in Order in bringing them on.

The CHAIRMAN: The Amendments will come next after the Amendment of the Attorney General for Ireland. They are not before the Committee now, and, obviously, cannot be discussed.

Mr. MARUM said, he would confine his observations to the Amendment before the Committee. He objected strongly, and he was sure his constituents and the Irish Members would object strongly, to the want of prominence given to the tenants' interest in the Amendment. There was no allusion to the tenants' interest except in a capitalized form, and he should prefer the Government clause in its original form. He would wish to dissever the question of the definition of a fair rent and the question of tenure.

Mr. GORST said, he was sorry he had not obtained an explanation from the Government; but he saw that it was impossible for him, by his own unaided exertions, to get a statement from the Government; therefore, he would withdraw the Amendment.

Amendment, by leave, *withdrawn.*

Mr. CHARLES RUSSELL said, the next Amendment was in his name. He had been informed yesterday by the Chairman that if the Amendment of the Attorney General for Ireland were put, it would be too late for him (Mr. Charles Russell) to bring forward his proposal. He, therefore, brought forward his Amendment now. If it were accepted, the clause would run thus—

> "A fair rent means such a rent as in the opinion of the Court, after hearing the parties, and having regard to the interest in the holding of the landlord and tenant respectively, and considering all the circumstances of the case, holding, and district, a solvent tenant would undertake to pay one year with another," &c.

His reason for bringing forward the Amendment was this. When he had first seen the clause he had thought that if the reference to the tenant's interest at the top of page 7 had stopped there it would have been sufficient. He had thought that the subsequent sub-clauses, *a* and *b*—especially *b*, which contained a reference to the scale of compensation for disturbance—did not express what was the interest of the tenant; and, moreover, he had felt that all reference to the landlord's interest ought not to be omitted. In other words, he had thought that the clause would defeat the fair justice of the case as regarded the interest of the landlord and tenant both, if there was not a reference in it to the interest of each. He would point out to the Prime Minister that this did not imply the least in the world the notion of any conflict and antagonism between the two interests. The two interests did exist, as everyone in Ireland who knew the relations between landlord and tenant admitted. The hon. and learned Member for Chatham (Mr. Gorst), who was always—like one of the characters in Dickens' novels—asking for information, said he had frequently asked for an explanation of what the tenant's interest was, but that he could never get to know. Well, there were no people so difficult to teach as those who would not learn, and he was afraid his hon. and learned Friend was one of those. Several times he (Mr. Charles Russell) and others had given an explanation. He did not mean to say it was a complete or satisfactory one; but it was the best he could give, and, he thought, to those who were conversant with the relations of landlord and tenant in Ireland, it did give a sufficient explanation of what the tenant's interest was. If the hon. and learned Member would read the Report of the Devon Commission he would find that in 1845 it was shown that in Ireland dealings between landlord and tenant had long proceeded upon the practical assumption of a joint interest in the land between the landlord and tenant. This meant that, according to the public opinion of the country, acquiesced in in practice, there was a tenant's interest in the land something more than his hon. and learned Friend referred to as "an interest in his improvements." What was that interest? Again and again it had been explained by the Prime Minister, by the Attorney General for Ireland, and by others. It meant that the tenant was owner of an estate in land, technically described as "a tenancy from year to year," with a reasonable expectation of being continued in that tenancy, and that interest was fortified by the Disturbance Clauses of the Act of 1870. If this was no definition, he could not give any other. If they had got a Court which understood this subject and could be intrusted with dealing with it fairly, without doing more than was equitable, it would suffice. But he had had a very general expression of opinion—and from no part of Ireland stronger than from Ulster—that the fact of the Government having, in the clause as it stood originally, referred to the tenant's interest, that the omission of that reference would be looked upon as a triumph of the landlord party and a neglect of the interests of the tenant. He did not mean to say that an unjust prejudice was a thing that the Committee ought to give great weight to; but if their object was to pass a Bill which would be received with a reasonable amount of confidence in Ireland popular sentiment of this kind was not to be disregarded, if, indeed, it could be consulted without the sacrifice of any substantial right or the interest of any class. He would ask any hon. Member on the other side of the House how this reference to the interests of the landlord and tenant respectively —interests which the legislation had recognized—could do harm to either landlord or tenant? He hoped, if no convincing reason was given to show that it would do injustice to either or operate unfairly, that the Government would accept the Amendment. He took leave to say that though his sympathies were with the Irish tenant, because they had not, until late years, been considerably represented in the House, and because they had been for years legislated for by what was, in the main, a landlord Parliament, he tried honestly to look at this question in fairness between the landlord and tenant. He did not think it would be right to accept the Amendment of the hon. and learned Member for Tyrone (Mr. Litton), because it seemed to have exclusive regard to the tenant's interest, and might be supposed to exclude the interest of the landlord. In England the right of occupation was not considered of value, because, speaking as a rule, the improvements were done for the tenant; but in Ireland the case was different. The tenancy was of value, for nearly all the improvements were done by the tenant. It had been shown that out of all the improvements only 11 per cent were done by the landlord. When, therefore, they spoke of a fair rent in Ireland they did not mean it in the sense in which it was meant in England. In England it meant what a man paid for his use and occupation of the farm; but that was not the case in Ireland. In that country it meant much more—namely, what the man paid for the use, *plus* what he paid for coming in, for goodwill, and also his improvements. He submitted, therefore, that the adoption of these words would satisfy the reasonable requirements of the Irish tenants, and that the concession would not injure the just interests of the landlords.

Amendment proposed,

In page 6, line 35, after the word "parties," to insert the words "and having regard to the interest in the holding of the landlord and tenant respectively."—(*Mr. Charles Russell.*)

Question proposed, "That those words be there inserted."

SIR STAFFORD NORTHCOTE: I must make an admission to the hon. and learned Member that there is a certain mark of progress in the Amendment he has moved, in that, for the first time in the course of these discussions, it involves a clear recognition of some interest, at all events, on the part of the landlord. That is really so very important that it ought not to be allowed to pass unnoticed. But we must look at this matter somewhat more broadly. In the first place, I wish to say, in order to clear away any misapprehension on the subject, that any objection to the whole proposal of bringing in the Court for the purpose of fixing rents has not been removed in the course of this discussion, and that it is my intention, at all events, by way of protest if for nothing else, ultimately to divide against the whole proposal of Clause 7. I wish that to be distinctly understood because, though I am prepared to work as well as I can in order to make the clause as little mischievous as it can be made and as useful as it can be made, I cannot see in anything that has been said anything to remove my objection to the Court. That, however, is not the point before us at the present moment. At the present moment we are endeavouring to arrange what is to be the action of the Court in a case in which it is appealed to to fix a fair rent. We began with a system under which the Court was to have very special directions with regard to the interests which it is to recognize in the tenant. I must say that to these directions many of us entertained most serious objections. They appear to us to recognize rights which, to a great extent, we believe would be a new creation on the part of this Bill, and others which would be of a very embarrassing kind, and which it would be extremely difficult to understand; and, therefore, we put our Amendments on the Paper with reference to that scheme of the clause as originally prepared by the Government. My hon. and learned Friend the Member for Chatham (Mr. Gorst) had put down a very elaborate system of directions to the Court with which, if the Court were to interfere, and were to interfere under any code of directions, I think I should entirely agree. I think my hon. and learned Friend's proposals are very reasonable and proper. But we are rather past that now by the step which the Government have taken in proposing that we should give the Court this sole direction that they are, under certain circumstances, to endeavour to fix a fair rent as between landlord and tenant. Now, I must say that if the thing is to be done at all, and if we are not to have such information as we think satisfactory, it is far better that we should leave the matter to the Court and not weaken its hands. It would be better for us to take care that it is a strong body, that it acts in the light of day and under all those responsibilities that necessarily attach to a body of high judicial officials, taking care also that some system of appeal is given. I think it is far better that we should trust to the unfettered judgment of the Court than that we should put in words that may have the effect of giving a covert instruction to the Court that it is to proceed in a particular direction. If the question to be submitted to the Court is what, under all the circumstances of the case, is a fair rent to be fixed, we may assume that the Court will take into account all these matters that you are now proposing to specify or direct its attention to; but if there are words put in which at first sight appear to be orders, of course the Court will inquire what was the meaning of the Legislature in putting them in. They are not put in for nothing. They are put in, as the hon. and learned Member for Dundalk admits, to prevent an impression that the rights of the tenants are being sacrificed. Well, if that is so, depend upon it you will be increasing the difficulties with which the Court will have to contend by putting in provisions of this kind. I hope we may be allowed to proceed with this section on the lines in which the Government have now placed it. Even so it is not satisfactory; but if it is to be passed at all, I should prefer that we should not attempt to give the Court instructions. If we are to give instructions, no doubt those of the hon. and learned Member have the advantage of being comparatively fair on both sides. I would prefer that we should now concentrate all our efforts in endeavouring to constitute a strong and good Court.

Mr. ARTHUR ARNOLD said, the right hon. Gentleman had not adduced any strong objection to the Amendment of the hon. and learned Member for Dundalk. He seemed to go very near approval of that Amendment, in fact much nearer than he (Mr. Arnold) could possibly have expected; but what had surprised him most of all in the speech of the right hon. Gentleman was that he had spoken of the mention of the tenant's interest in the clause as though that interest were a trivial matter. Virtually it was the whole matter. The peculiarity of the Irish land system was the peculiarity of the tenant's position. The fact that he had peculiar interest constituted the difference between the Irish land system and the system appertaining to this country. It was this peculiarity of the Irish system which brought the Land Act of 1870, and which rendered necessary the Bill before the House. It was known to everyone by this time that the rent which a solvent tenant in Ireland could pay one year with another did not belong to the landlord; therefore, it was necessary to have a tribunal which should apportion the commercial rent between the landlord and tenant—which should decide how much of it belonged to the landlord and how much of it belonged to the tenant. The insertion of the tenant's interest in the clause appeared to him to be important, and the right hon. Gentleman the Prime Minister had shown such sympathy for the interest of the Irish tenant that it was to be hoped he would accept the proposal. The Amendment would add weight and usefulness to the clause without hampering the Bill in any way.

LORD RANDOLPH CHURCHILL said, that if the right hon. Gentleman (Sir Stafford Northcote) had not shown reasons against the Amendment, the hon. Member who had just sat down had not given any reason for it. The Amendment was either perfectly unnecessary or most insidious. As to its being unnecessary, he was sure his hon. and learned Friend would not move an unnecessary Amendment. They must remember the position in which the Bill stood originally and the form it had now assumed, after the Government Amendments. There could be no doubt that the Amendments they had made to the 7th clause was a concession to those who regarded the measure with distrust; there could be no question whatever about that. The definition of fair rents which the Government had put in the Bill was only an act of justice to those who had to support the interests of the rights of property, and who looked on the Bill with great suspicion and alarm. With regard to the Court, the Prime Minister, in the course he had taken, had admitted that the criticisms of the right hon. and learned Member for Dublin University (Mr. Gibson) were sound in the manner in which he proposed to frame the clause. But the hon. and learned Member opposite came forward with an Amendment to the effect that the Court should have regard to the interest in the holding of the landlord and the tenant respectively. Well, what in Heaven's name should the Court have regard to but these two things? How could the Court estimate a fair rent without having regard to them? There could be little doubt that the real object of the Amendment was to prevent the Government from being placed in the difficult position of having to reject the Amendment of the hon. and learned Member for Tyrone (Mr. Litton), which was to the effect that the Court should only have regard to the interest of the tenant. Why should the Court have regard only to the interest of the tenant? The hon. and learned Member had all along shown the utmost sagacity in extricating the Government from rather tight positions. The hon. and learned Member knew very well that in all cases that could be submitted to the Court, counsel would always draw attention to the expressions used by Parliament, and that stress would be laid on the fact that the interest of the tenant was to be looked to in estimating a fair rent. There were no persons in the country, at this moment, who had devoted more attention to the Irish Land Question than the Members of the Cabinet, and they had come to the conclusion that the Bill was open to misconstruction, and had thought it better to leave it to the Court absolutely, without instructions, to decide what was a fair rent. He would urge the Committee not to press the Government to depart from their latest decision. If they were to have a Court which was to be a Court of Justice, he felt certain that landlords and tenants might intrust their interests to that Court; in which case the Amendment of the hon. and learned Member was absolutely unnecessary. If they listened to the suggestions of the hon. and learned Member—which were only meant to unite the opinions of the Home Rule and the Ulster Members—they would give a distinct bias to the Court, putting in the word "landlord" as a blind, and would be departing from the sound decision at which the Government had arrived.

MR. SHAW said, he could not feel any regret at the disappearance from the Bill of the clauses originally proposed by the Government. He had known that they would work unsatisfactorily, and that in some districts of Ireland they would do injustice to both the landlord and tenant. On estates that were well managed injustice would have been done to the landlords, whilst on estates badly managed injustice would have been done to the tenants. It was, therefore, beneficial to all parties that the clauses had disappeared. Very likely, if they had never been introduced, and the Bill had been brought in in its present shape, there would have been no great dissatisfaction in Ireland; but the fact of their having been put in and having been taken out, seemingly at the instigation of the landlord party, had naturally created a feeling in Ireland that the Government had some object in view in the way of sacrificing the interests of the tenants. The noble Lord opposite had said that the Amendment was unnecessary. [Lord RANDOLPH CHURCHILL: I said it was insidious.] The noble Lord had not pointed out where the insidiousness came in. It was said that this unnecessary Amendment must have some object; but the rejection of it would appear to have some object in the way of sacrificing the tenant's interest. If hon. Members wished to settle this matter, they should meet proposals of this kind fairly. He would admit that the insertion of the Amendment standing in the name of the hon. and learned Member for Tyrone (Mr. Litton) would look as though they were only considering one side of the question; but in the Amendment before the Committee they looked at both sides of the question, and gave instructions to the Court. They ought to look at the effect a Court of this kind would have on the public mind. The insertion of these words, or some such words, would not in the slightest degree weaken the influence or rights of the landlord, and would have the effect of giving satisfaction, in lieu of the other clauses, to the landlords and tenants in Ireland. In going through the North of Ireland, he had found that the one thing universally disliked by the tenant farmers was that their improvements should be valued or even looked at at all. They felt sure that if the valuator went on their land it was bound to lead to an increase of rent. The valuers in Ireland should have regard solely to the natural qualities of the soil, and they should exclude from their consideration the improvements of the tenant and his interest.

MR. SYNAN said, the noble Lord (Lord Randolph Churchill) seemed to complain that hon. Members were too much on the side of the tenant. He (Mr. Synan) did not see why they should take the landlord's side or the tenant's side exclusively. They should be on the side of both, and, in that sense, the words of the Amendment were perfectly harmless. They only, in his opinion, pointed out what the Court would do without them. What had given more weight and significance to them than they deserved was the fact referred to by the hon. Member for the County of Cork (Mr. Shaw)—the striking out from the clause of the particular direction given to the Court. If the Court was good for anything, it ought to know the law, and it ought to be able to appreciate the rights of the landlord and the rights of the tenant. There was an expression of law which applied to the present case—namely, "*Expressio eorum quâe tacite insunt nihil operatur.*" The expressions in the Amendment were implied in the very duty of the Court. As to the Amendment of the hon. and learned Member for Meath (Mr. A. M. Sullivan), to the effect that improvements ought to be kept out of view in fixing the rent, the Court ought to know that the improvements belonged to the tenant, and should not, therefore, have regard to them. He failed to see what objection the Government or the Committee could have to the Amendment, for even if it were unnecessary it would do no harm. To his mind, however, it was necessary, and would do good by satisfying the tenants and producing a good effect upon the public mind in Ireland, and by directing the mind of the Court to the duty imposed upon it.

MR. CARTWRIGHT said, he had a strong preference for the clause proposed by the Government in substitution for the original words; and why he advocated the adoption of the new proposals was, because they were simple and perfectly intelligible, and because they were consistent with previous Amendments. The Court was to be a Court of Equity in the fullest sense of the word, and was to adjudicate on every question brought before it; but there was another reason why the change made by the Government was most reasonable. It was difficult to frame a definition so as to obviate all objection; but, when certain misconstructions and objections had been current and had been widely circulated, it was desirable to frame definitions so as, if possible, to remove those misconstructions and misinterpretations. They had heard of the aspirations of Ireland from the hon. and learned Member for Tyrone (Mr. Litton), and from the hon. Member for Kilkenny (Mr. Marum) they had heard of the disappointments of the farmers of Kilkenny in consequence of the changes made by the Government in the wording of the clause. They had heard the hon. Member for the County of Cork (Mr. Shaw) speak in the same sense. Well, when they heard such views, and when they saw these constructions put on the original wording of the clause, it was desirable that definitions should go forth so clear that they would remove all misconception. The words of the Bill, as now proposed by the Government, were clear, simple, and definite. For his own part, he believed they were to be preferred to any of the Amendments on the Paper, and he would advise the Committee to abide by them. As to the Amendment now before the Committee, he objected to several words in it; but, if any Amendment was to be accepted, and the present one was to be pressed by the Mover, he thought it was to be preferred to any of the others, with some modifications. He would propose that the words "in the holding" and the words "due" and "just" should be left out, as they were calculated to raise doubts as to the meaning as of the instruction, and suggest to quick-witted attorneys constructions of a dangerous character. The words "and having regard to the interest of the landlord and tenant respectively" were all that were necessary for the guidance of the Court.

MR. MITCHELL HENRY said, he thought that, in considering this subject, they ought to have regard to what was the real position of the Court. It would be, really and truly, an arbitrator between two persons. They admitted that the moment they admitted that the tenant and the landlord had each, respectively, a separate interest in the holding. Well, what were the directions—if a Superior Court of Justice referred a question to an arbitrator, what were the words the Court would use in making that reference? Would it not be to consider the joint interests of each of the two parties, and the particular circumstances of the case? In what way, then, did the Amendment of his hon. and learned Friend go beyond that recommendation? It stated in the simplest form what an arbitrator would have to do if an arbitration emanated from a Superior Court. Surely the Court had to have regard to the interests of both parties. The landlord had an interest and the tenant had an interest. In some cases the interest of the tenant was greater than that of the landlord; but in others the interest of the landlord was more considerable than that of the tenant. Take the case of a tenant who had settled on a piece of waste land; after a vast number of years, and the labour of successive generations, that waste land was made into a really valuable arable farm. It was conceded by this Bill that the tenant had, in such a case, a larger interest in the farm than the landlord himself. [Lord RANDOLPH CHURCHILL: Oh, no!] The noble Lord said "Oh, no!" and he (Mr. Mitchell Henry) was very glad that he had done so, because it confirmed what he had believed throughout the whole of these discussions—namely, that with all the noble Lord's opportunities of observing what went on in Ireland, with all his opportunities of observing the relations between landlord and tenant, and with all the pains he had taken in the discussion of this Bill, he had never got beyond this belief—that the land belonged to the landlord, and that the tenant was a mere appanage to the land, who ought to be removed at the good pleasure of the landlord in favour of someone else. Now, that was not the view of the Committee. The Committee believed that the tenant was as much entitled to his share of the land and to his interest in the land as the landlord himself, and that was the secret of the objection the noble Lord took to the introduction of these words. The noble Lord contemplated nothing less than a rack-rent——

LORD RANDOLPH CHURCHILL: Allow me to interrupt the hon. Member. I have stated that a fair rent is not a rack-rent.

MR. MITCHELL HENRY asked whether the noble Lord would define what he meant by a "fair rent?" All his words went to show that he merely contemplated a rack or competition rent, and now he said that he did not consider a fair rent to be a rack-rent. He (Mr. Mitchell Henry) wished to express a hope that the Government would accept this Amendment, not merely because it was expedient, but because it was just. He had gone through the Bill, and, with regard to it, as also in everything else he had said as to Irish tenant right, when former Bills introduced by Mr. Butt and others, were before the House, he had invariably endeavoured to keep a judicial mind, and to consider the interests of both landlord and tenant. He did not say that hon. Members opposite did not also keep judicial minds; but he did not think it was an evidence of a judicial mind when, in a clause defining what the Court was to do, they named only one of the two parties interested in the matter. The landlord was interested as well as the tenant, and he, also, ought to be named. If the unfortunate words which originally appeared in the clause had not been put in the tenants would never have asked for anything than that the two interests of the landlord and the tenant should be considered in the holding. He had spoken of the interests of the tenants, and he would ask any hon. Member to go through Ireland, even now, and converse with the tenants. Do not go in the midst of agitation, and when meetings were taking place; but go to them in their homes, or wherever they were to be met, and they would almost invariably say this—"All that we want is a fair rent; let the landlord receive a fair rent, and let us have a fair rent to pay." The tenantry themselves recognized the just and due interest of the landlord and the tenant; and if that was so, what objection could there be to mentioning the two interests in the Bill? The Court would, of course, do its duty, and it would be an adequate tribunal; but do not let them forget that it would not last for ever. It might change somewhat in its personal character; but this Bill would endure for a vast number of years. In all probability it would regulate for ever the relations between landlord and tenant in Ireland. ["Oh, oh!"] Of course, hon. Members opposite wished for something beyond this Bill; but he should be contented, on the part of the tenants, if the measure passed into law, unmutilated, within a reasonable time, and was brought into operation before Parliament adjourned. But he did not think they ought to content themselves with, generally, constituting a Court and giving it no positive instructions as to what it was to do. What was this Committee but a Court endeavouring to decide what should be a fair basis of rent between landlord and tenant in Ireland? Under the circumstances, he trusted that the Amendment of his hon. and learned Friend would be accepted.

Mr. PLUNKET said, he would say nothing with regard to the astonishing result which had been brought about by the Attorney General for Ireland—who seemed to have brought all parties in the House very near to an agreement—as to the words to be adopted in this part of the clause, supposing the clause were adopted at all. No doubt, everyone who had spoken in this particular debate had said that the variation that would be introduced into the meaning of the clause, should the words of the hon. and learned Member for Dundalk (Mr. C. Russell) be accepted, would be very small indeed. It was said that these words would make no difference, and that their insertion would be a concession to national feeling and aspiration. Let him remind the Committee of what had fallen from the hon. Member for County Galway (Mr. Mitchell Henry) that their work this evening was not for a moment, but that they were making an Act of Parliament which was to be read hereafter when the excitement of the present moment had passed away, and when it came to be merely a question of judicial interpretation. Well, the words suggestion were only for the purpose of allaying a momentary excitement; and, on the other hand, as there was not to be, or ought not to be, any contest, not even an emulation, between a fair rent and the tenant right—whatever that might be—he thought that if they accepted the Amendment they would be sowing the seeds of a new controversy. They should not relegate to the County Courts words that would suggest to them that, on the one hand, there was the interest of the tenant, and, on the other, the interest of the landlord. It would be bad enough to put in these words if there was only one Court to relegate this matter to; but when they had a multitude of County Courts, or whatever the Court of First Instance might be, that would have to interpret the measure when they sent it from Parliament, it would be a suggestion and a signal for emulation between the two interests, which might ripen into controversy if they put in words that had no efficacy in themselves—and which, without explaining or elucidating the meaning of the clause, suggested that a conflict of interests might be supposed to arise in deciding what was a fair rent. He would not say one word which would excite angry controversy; but what was the whole Bill; what were the "three F's;" what was the institution of this Court to interfere between the landlord and his unquestionable right, if they were not concessions in the interest of the tenant? The words proposed to be introduced would have no practical efficacy in the sense which they were now meant to have. His argument was that if they departed from the wording proposed, and added something on this side, and something on the other, there would be no end to what hon. Members might propose. Here was an Amendment put forward on deliberate consideration by the Government, and he trusted it would be adhered to. He could not see any advantage in introducing other words which hon. Members who supported them admitted would have no binding effect.

MR. CHARLES RUSSELL said, he was quite ready to adopt the suggestion of his hon. Friend the Member for Oxfordshire (Mr. Cartwright), and ask permission to put the Amendment thus—"Having regard to the interests of the landlord and tenant respectively."

Amendment, by leave, *withdrawn.*

Amendment proposed,

In page 6, line 35, after "parties," insert "having regard to the interests of the landlord and tenant respectively."—(*Mr. Charles Russell.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE said, he did not depart from the opinion he had expressed. At the same time, the question raised by the Amendment was admitted on all hands to be of great importance, and he was bound to say that it was both justifiable and right to have regard to it. He did not entirely reject the observation that the withdrawal of a word or words would not leave the clause in precisely the same position as if they remained. Having listened to this debate, and paid rather particular regard to the fact that very good words had been proposed by the hon. and learned Member for Antrim (Mr. Macnaghten), which were much to the same effect as those of his hon. and learned Friend the Member for Dundalk, he had come to the conclusion that, on the whole, the judgment and view of the greater part of those best qualified to form an opinion would be consulted by agreeing to the insertion of these words. His desire with regard to this clause had been to arrive, if possible, at the greatest union of sentiment in the Committee, and when he heard the speech of the right hon. Baronet opposite (Sir Stafford Northcote) he was in hopes that they were upon common ground, and that, in accepting the Amendment, the right hon. Gentleman was also accepting the clause. He had since learned from another speech that this was not so, and that he objected to the clause on principle, and would have something to say upon it hereafter. That being so, he had taken notice of this fact, and regarded the right hon. Gentleman as one of those who would not be satisfied with the insertion of these words, which the Government were prepared to accept.

MR. EDWARD CLARKE said, he thought the course taken by the Government, and the observations of the Prime Minister, were hardly likely to shorten the proceedings in Committee. After deliberate consideration of the criticisms offered to the Committee by his right hon. and learned Friend the Member for the University of Dublin (Mr. Plunket), the Government had determined to strike out their original proposal in this clause, and to reduce it to a short passage, which would leave the whole matter very much to the discretion of the Court. Having made that deliberate proposal, and put the Amendment before the Committee, an Amendment was then moved which, by the consent of its Mover and supporters, was not strictly necessary to effect the purpose of the clause. It was approved by those who supported it more in deference to a sentiment in Ireland than because the words proposed were necessary either for the illustration or elaboration of the meaning of the clause. What was the duty of hon. Members on that side of the House under the circumstances? A series of speeches had been made against the Government proposal; but the Government made no sign. They listened to those speeches one after the other, and presently the right hon. Gentleman the Prime Minister rose and said that the current of opinion in the House, as expressed in the debate, had satisfied him that there was a general feeling in favour of the Amendment. The Amendment was unnecessary. It was admitted by the hon. and learned Member opposite that if the Government had not originally proposed the words which stood in the first draft of the Bill, he would not have thought of any such Amendment as he now put forward; but he said, at the same time, that he did not regret the disappearance of those earlier words, because where the landlord had been a good landlord, they would have done mischief to him, and where the landlord was a bad landlord, they would have done mischief to the tenant; so that when the words disappeared, together with the mischief which he feared, the hon. and learned Member put forward this Amendment. Was not that an acknowledgment that the Amendment was of no importance at all, and that it was put forward simply to meet the feeling of disappointment in Ireland at any concessions being made by the Government? How did the question stand without these words? The Government had made a better draft of the Bill than they at the moment seemed to suppose; because when the Amendment of the Attorney General for Ireland should have been accepted, and the Bill re-modelled in accordance with it, the clause would run—

> "The Court, after hearing the parties, and considering all the circumstances of the case, and of the holding and the district, shall determine what is a fair rent."

Now, he did not think it possible to put in any element which the Court ought to consider which was not included in that. Another argument had been made use of in support of the Amendment, and one which had been repeated by four Members in succession—namely, that the words could do no harm, because they did nothing more than amplify the words in the Bill. That would be an equally good reason for putting in the Schedule the multiplication table or the record of an historical event. But these were not such idle words as those who wanted to put them in the Bill tried to make out. What was intended by those who supported this Amendment was that when the Court should have considered all the circumstances of the case, and of the holding and the district, and should have arrived at a conclusion as to what was a fair rent—that then the person appearing before the Court should be able to say there was a tenant's interest over and above all that, and that the Court must cut down the rent by the measure of the tenant's interest. If the Government were prepared to put in one qualification, they ought to be prepared to discuss, and, as he hoped, to accept qualifications which were proposed from that side of the House. He said it was hardly fair that the Government should speak of a sort of general consensus of opinion being established, because the whole current of the debate had really been adverse to their proposition, and had gone in favour of putting in words which had been whittled down to the smallest extent, and which had been recommended on the sole ground that they could do no good one way or the other.

Mr. H. H. FOWLER said, he believed these words were absolutely necessary, because, under the clause as it stood, without them it would be perfectly open by fair argument to maintain that the tenant's interest ought to be altogether excluded. The supporters of the Amendment wanted to guard against this. The hon. and learned Member for Dundalk had proposed that the landlord's interest should be included. Undoubtedly, what was fair for one was fair for the other in that respect, although he did not think there was any danger of the landlord's interest being lost sight of. But one of the main objects of the Bill was to prevent the tenant paying rent in respect of capital which belonged to himself. He contended that if the fair competition rent of a farm was £100 a-year, £25 of which represented the interest on the tenant's capital in respect of improvements, it would, as the clause now stood, be open upon fair argument to say that the tenant ought to pay the whole £100 a-year, and that he was not to have the advantage of that £25. All that this Amendment proposed was to preclude the possibility of doubt upon that point.

Mr. CHAPLIN said, he should regret the acceptance of this Amendment by the Government. It was clear to him that it either meant nothing or a great deal; and as he was sure the hon. and learned Member for Dundalk was not the man to mean nothing, he took the Amendment to mean a great deal. He had little doubt that its effect would be to restore in some measure those provisions in regard to the tenant's interest which had been omitted by the Government, and which stood originally in this Bill. If this Amendment was to be inserted in the clause, it would become necessary to define in the Bill not only what was the tenant's interest, but what was the interest of the landlord. The hon. and learned Member for Dundalk had complained of the hon. and learned

Member for Chatham (Mr. Gorst), saying that he was one of those who could not understand, because they were not anxious to understand, the definition of the tenant's interest. But as he gathered from the speech of the hon. and learned Member for Chatham, he did not say that he was unable to understand the definition of the tenant's interest; he said there was no definition of the tenant's interest in the Bill. But however abstruse or learned the definitions given of the tenant's interest might be, they would be of no use to the Judges of Ireland four years hence; and therefore he contended that a definition of the tenant's interest ought to be included in the Bill. But it was now more than ever necessary to have a definition of the interest of the landlord—if, indeed, he had any interest—for it was dwindling every day. What was the hon. and learned Gentleman's definition of the interest of the Irish tenant? He said it was the right of occupancy in his farm, and that it differed from the interest of the tenant in England, where there was no right of occupancy, because the tenant did not make any improvements; that the tenant's interest in England was not a saleable interest. The hon. and learned Member then went on to say that fair rent in England was one thing, and fair rent in Ireland another; that fair rent in Ireland was to be calculated on the value of the farm, plus the value of improvements and plus the value of the tenancy on entering. There was, then, no difference between them as to what a fair rent should be. But he (Mr. Chaplin) contended that the definition ought to be placed in the Bill; and, therefore, being anxious to meet the views of the hon. and learned Member, he should move to add the following words:—

> "Provided that in no case, unless the landlord and tenant agree, shall it be less than the true value thereof, having regard to whatever sum has been expended by the tenant on improvements or in the purchase of his tenancy with the consent, either implied or expressed, of the landlord or his predecessors in title."

THE CHAIRMAN pointed out that this was not an Amendment, but a Proviso which should be moved at the end of the clause.

LORD EDMOND FITZMAURICE said, he was anxious, before they went to a division, to express his opinion that a very exaggerated importance had been attached to the concessions made by the Government. Having listened to the arguments on both sides, he was not at all prepared to join in the chorus of disapprobation which was apparently about to commence under the leadership of the hon. Member for Mid Lincolnshire (Mr. Chaplin) with regard to the adoption of the Amendment by Her Majesty's Government. He made these observations with the less hesitation because, as the Committee was aware, he had on more than one occasion voted against Her Majesty's Government when he believed they were mistaken upon any point in connection with the Bill. He was bound to say that, on the present occasion, there was no ground whatever for making an attack upon the Government. The hon. and learned Member for Dundalk had urged his Amendment chiefly on the ground that it was a concession to the sentiment of the Irish people. It was, of course, easy to cast ridicule upon an argument founded on sentiment; but, although he was not an Irish Member, he spoke with some knowledge in saying that in the relations of this country with Ireland there had been the unfortunate mistake made of never attempting to govern the Irish people by means of their sentiments, for on that ground they were more accessible than on the ground of reason. He should, therefore, consider it an argument against the Amendment of the hon. and learned Member for Dundalk, if it did not constitute a concession to sentiment. On the other hand, provided there was nothing unjust in the Amendment, the fact of its being a concession to Irish sentiment was, in his opinion, an argument in its favour. But he wished to look upon the Amendment on the ground of reason also, which, after all, would most weigh with hon. Members. These words would come before a Court of Law, and he asked the Committee to put themselves for a moment in the position of the Judges who would have this clause before them. Taking the Bill as a whole, did any man doubt that it conceded an interest to the tenant on every farm in Ireland? If, as was undoubtedly the case, the Bill made that concession, why should they, ostrich-like, refuse to see it? He said that such a course was absurd. Whether the words proposed were or were not inserted in the clause the interest to which they referred was recognized in a greater or less degree. He did not at the present moment express any opinion concerning them; but he did not shrink from the responsibility attaching to anything he had said on the subject, or from recognizing the fact that whether the words were or were not inserted the Court would have to recognize the landlord's interest. But as his hon. Friend the Member for Wolverhampton (Mr. H. H. Fowler) had observed, it might be possible to make that interest clearer, and to avoid much of the litigation which would, or might, in other circumstances arise, while, at the same time, to adopt the view of the hon. and learned Member for Dundalk making a concession to the sentiment of the Irish people. He trusted that the Irish people and their Representatives opposite would recognize a concession which, though of no particular importance in itself, was yet a concession, and one which could do no harm either to landlords or tenants.

Question put.

The Committee *divided:*—Ayes 252; Noes 136: Majority 116.—(Div. List, No. 277.)

Amendment proposed,

In page 6, line 35, after the foregoing Amendment, to insert the words "may fix such fair rent, but in no case, unless the landlord and tenant agree, shall it be less than the true value thereof, having regard to whatever sum has been expended by the tenant on improvements or in the purchase of his tenancy, with the consent, either implied or expressed, of his landlord or his predecessors in title."—(*Mr. Chaplin.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE said, as he understood the proposal of the hon. Member, it was to be an alternative for the proposal which stood in the name of his right hon. and learned Friend. He took it to be the effect of the hon. Member's proposal that the rent should be such as to allow for the tenant's improvements, and for nothing but such improvements, except in cases where a tenant had paid a sum of money for his holding with the consent of his landlord, and had also, with similar consent, expended money in the improvement of his holding. Her Majesty's Government differed from the views of the hon. Member on almost every point; and, as far as this particular question was concerned, they did not think the sum expended by a tenant on improvements was a test to which the Court should have regard. A tenant might have expended his money unwisely or injudiciously, and he did not think a Court should be entitled to mulct a landlord on that account. Regard could only be had to the actual value of the improvements. The same principle applied, in his view, and in the view of the Government, to the amount that had been paid for the tenant right. The tenant might have paid a great deal too much, or he might have paid a great deal too little. He might have given a fancy price, which this Bill did not recognize, and so wasted his money; and therefore he said the Government could not agree with the hon. Member for Mid Lincolnshire (Mr. Chaplin) on either of the points which he had raised. The question was, however, one which laid at the root of all the contentions of the Government since the Bill was introduced, for they had always held that the tenants had an interest far deeper than the mere value of their improvements, and one which extended not only to the value of each and every improvement they had effected during their tenancies, but to the tenancies themselves. It was impossible, therefore, for the Government to accept the Amendment which had been proposed.

Mr. CHAPLIN said, he could quite accept the correction of the right hon. Gentleman the Prime Minister in reference to the sum of money expended on improvements, and he would therefore propose to amend his Amendment by inserting words which should refer to the actual value of the improvements made, and not to the sum which a tenant might, for reasons of his own, choose to spend. At the same time, he must say that his proposal had been rendered necessary solely by the Amendment sprung upon the Committee by the hon. and learned Member for Dundalk (Mr. C. Russell), and accepted at a moment's notice by Her Majesty's Government. In regard to the objection of the Prime Minister to his Amendment, which was based on the fact that a tenant might have given too much or too little for his tenant right, he could only say that if he had given too much, the landlord was protected by the provisions of the Bill, and if he had given too little, he was clearly a very lucky fellow. The Amendment which he had proposed was, in his view, necessary in order to meet the case set out by the hon. and learned Member for Dundalk, who told the Committee distinctly that in Ireland a "fair rent" meant and included what the tenant paid for the use of his farm, and what he had paid for improvements, plus what he had given for his tenancy. That statement, together with the views expressed by the hon. and learned Gentleman in laying it before the Committee, having been accepted by Her Majesty's Government, it became necessary, as the interests of the landlords as well as those of the tenants were imported into the clause, that those interests should be clearly defined.

MR. CHARLES RUSSELL said, the hon. Member was not only inaccurate in the statement of his views, but was also wrong in saying that his Amendment had been sprung upon the Committee. The Amendment had been upon the Paper for several days. The hon. Member could not have been present at the commencement of the discussion. [Mr. CHAPLIN replied, that he was present at the time.] He moved his Amendment at an earlier stage than it actually stood on the Paper, because he feared that if it was not moved then it would come awkwardly into conflict with an Amendment standing in the name of the Attorney General for Ireland which he wished to see carried. He did not wish to convey, in what he said, the view which the hon. Member for Mid Lincolnshire had attributed to him. In speaking on the question, he had always insisted as strongly as he could that over and above the improvements of the tenants and the sum of money paid for the goodwill of their farms, there was in their very tenancies—fortified as they were by the Act of 1870—an interest, which was a fact recognized by law and saleable by law.

LORD RANDOLPH CHURCHILL said, the hon. and learned Member for Dundalk had shown a very conciliatory spirit; but he thought the observations he made in moving his Amendment were open to the construction put upon them by his hon. Friend near him (Mr. Chaplin), whose remark that the Amendment had been "sprung upon" the Committee was justified by the statement just made by the hon. and learned Member to the effect that for a reason which he set forth he had moved his Amendment at an earlier stage than it would have been reached if moved in the order in which it stood upon the Paper. It was also a matter for observation that the Amendment of the hon. and learned Gentleman, as it appeared on the Notice Paper, was in words totally different from those in which he had proposed it to the Committee. If the discussion was prolonged the Government would only have themselves to blame, for they ought to have had confidence in own their chief Law Officer, instead of jumping at the Amendment proposed by the hon. and learned Gentleman the Member for Dundalk. On the whole, he thought his hon. Friend (Mr. Chaplin) would, in the present circumstances, do well not to press his Amendment to a division now, but wait for a more convenient opportunity at a later stage in the progress of the Bill.

MR. CHAPLIN regretted that he could not accept the advice of his noble Friend. They had already, in the progress of this Bill, had repeated examples of the evil effects of postponing Amendments; and as this particular one involved what was to his mind a great principle, he should be compelled to put the Committee to the trouble of dividing upon it.

Question put.

The Committee *divided*:—Ayes 139; Noes 267: Majority 128.—(Div. List, No. 278.)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) moved, in page 6, line 36, to leave out from and including "a solvent," to the end of the subsection in page 7, line 12, and insert "may determine what is such fair rent."

Question proposed, "That the words proposed to be left out stand part of the Clause."

THE CHAIRMAN: I think it right to inform the Committee that, although the Question put is, that the words "a solvent tenant" form part of the clause, the fate of this Amendment will practically determine all the words up to line 12 in the next page.

Mr. LEAMY said, he thought a most important matter was contained in this sub-section, for the words were a direction to the Court to take care that the rent should be so reasonably fixed as to allow the tenant, if selling in the open market, to obtain as much from the purchaser as if he had to sell to a landlord who had evicted him, the case being one where no improvements had been effected. Supposing, for instance, the full competition rent for a holding where no improvements had been effected was £25 a-year, the words of the sub-section were a direction to the Court to take care that the rent should be fixed at such a rate as would reasonably allow the tenant to get in the open market £140, which was what he would be entitled to get if the landlord were to evict him. It was most important, in the interest of the tenants in the South of Ireland, that those words should be left in, for, if not, what would be the interest of the tenant in cases where the Ulster Custom, or an analogous custom, did not prevail? The Act of 1870 gave the tenant an interest in the holding, independently of the property he created for himself by improvements. In was only reasonable and proper that in the present Bill that interest, so created by the Act of 1870, should be preserved, quite independently of any interest created by the tenant's improvements. On these grounds, he should oppose the Amendment of the Attorney General for Ireland.

Mr. WARTON suggested that the word "may," in line 10, should be omitted, and the word "shall" substituted.

The CHAIRMAN: It will be competent to do that when the new words are proposed to be inserted.

Question, "That the words 'a solvent tenant' stand part of the Clause," put, and *negatived.*

Question, "That all the following words down to line 12, in page 7, stand part of the Clause," put, and *negatived.*

Amendment proposed, that the words "may determine what is such fair rent," be inserted.—(*Mr. Attorney General for Ireland.*)

Question proposed, "That those words be there inserted."

Mr. WARTON repeated his suggestion that the word "shall" should be substituted for the word "may."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, that would not do, because the Court must have power to refuse any application if, under the circumstances, they should see fit.

Question put, and *agreed to.*

Mr. A. J. BALFOUR, in the absence of his noble Friend (Lord Randolph Churchill), wished to propose the insertion of the following words, of which that noble Lord had given Notice:—To insert, at the end of the previous Amendment, the words—

"Provided always, That any tenant of any holding valued at ten pounds and upwards, before applying to the Court, shall notify to the landlord the amount of decrease in rent which he claims."

He thought that Amendment, although originally suggested for another place, might come in perfectly well here. His noble Friend's desire was to put the landlord and tenant upon a perfect equality and therefore to provide that the tenant, as well as the landlord, should notify to the Court what was the alteration in the rent which he wished to have made, and that the tenant, if he desired to have the rent diminished, should declare the amount of diminution, just as the landlord should declare the amount of enhancement if he wished to enhance it. As to the limit of £10, that was a limitation which he (Mr. Balfour) would have omitted had the Amendment been entirely his own; but its object was to protect the tenants of small holdings—namely, those who were specially held in view by the Bill.

Amendment proposed,

In page 7, line 12, at the end of the foregoing Amendment, to insert the words "Provided always, That any tenant of any holding valued at ten pounds and upwards, before applying to the Court, shall notify to the landlord the amount of decrease in rent which he claims."—(*Mr. Arthur Balfour.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE: I must say, Sir, that the proceeding of the hon. Gentleman appears to me to be some what singular. He moves an Amendment; but he does not approve of it, and that which he moves is not in his own name, but appears upon the Paper in the name of someone else. He moves it in the name of a noble Lord who was in the House a few minutes ago, but who now is absent, and who appears to have changed his mind about his own Amendment. The hon. Gentleman, however, has moved it, even though he condemns it; and this appears to me to be a most singular way of commending it to the judgment of the Committee. Our contention is simply this—that the tenant should leave this matter to the discretion of the Court. I have not a doubt that the general rule of the Court will be to call upon all tenants to state the diminution they wish to obtain; but I do not think it would be well to fix a standard of this kind. I see the noble Lord has now returned, and I think he will see, with regard to this £10 limitation, that it would be understood to deprive the Court of any power to demand the amount of diminution asked for in the case of any tenant below £10 of annual rental. I do not think an inflexible rule of this kind would answer. It would be much better not to have such an inflexible rule, which might operate hardly.

LORD RANDOLPH CHURCHILL was bound to say that the Prime Minister of to-day was very different from the Prime Minister of yesterday; and they had now seen the most extraordinary abandonment of what the Prime Minister said most positively yesterday —an abandonment for which neither the Committee nor the public were in the least prepared. He had hoped, considering the marvellous inconsistency shown by the Government to-night with respect to leases—he had hoped to have had the supreme honour of submitting an Amendment which the Government would consent to, and, by so doing, obtain some amount of credit and character. What was it that the right hon. Gentleman had said on the Amendment of the hon. Member for Mid Lincolnshire (Mr. Chaplin)? The hon. Member proposed to omit the words which forced the landlord to raise the rent before he applied to the Court. The Prime Minister said—"Oh, that would never do, because there are landlords who would turn it into an immense engine of oppression. Such a landlord would say to the tenant, 'I mean to raise your rent;' and if the tenant asked, 'What amount of increase do you want?' the landlord would reply, 'No, I will not state the increase, I will take you into Court;' and would use that power, no doubt, *in terrorem*." He quite agreed with the Prime Minister on that point; but it was obvious that the thing must work both ways. He could not understand anyone who wished to maintain the balance between the two parties in this Bill saying that the landlords, before applying to the Court, must specify what increase they demanded, while the tenants need not specify what increase they demanded. Then the Prime Minister said the Court would undoubtedly make rules as to the proposed increase; but he did not know on what ground that was stated, and he believed, if there was nothing in the Bill to show the Court that the landlord and the tenant were in exactly the same position, and an apparent inequality was established, the Court would say that it was the intention of the Legislature to make that inequality. The tenants would take the landlords into Court against their will, for many tenants would consider themselves entitled to a reduction, and a great many landlords, taking into consideration the condition of the country and the state of agriculture, would make up their minds to a reduction of rent; but the Bill was positively forcing them into Court, and giving them no chance of settling the matter without litigation. He only asked the Committee by this Amendment to adopt measures which would undoubtedly prevent a whole lot of litigation. The Prime Minister objected to the Amendment because of the limitation; but that was an unreasonable objection, because he adopted the limitation at the Prime Minister's own suggestion. He thought it would be better that all the tenants should make up their minds as to the particular grievance under which they suffered, and tell the landlords that they considered their rents too high by so much, and would go into Court for a reduction. Why should that not be? The landlord might say he was willing to make an arrangement, but the tenant thought it better to drag the landlord into Court. Was that justice between the parties? He did not fancy the Government would much mind if the Amendment was carried, because it was so obviously just. He did not like the limit himself; but he recognized that the Conservatives were not in a majority and could not dictate to the House, and therefore he was very glad to take a crumb when he could not get a loaf. What he wanted was to have the principle recognized that the tenant should specify before going into Court as well as the landlord. The effect of that would be to make tenants cautious before entering into litigation ; but the Bill as it stood was an Attorney's Bill. The attorneys would be anxious to get this Bill for the tenants' advantage and to stir up litigious action against the landlords. If the Amendment was accepted, a tenant would be obliged to consider how much he ought to pay and how much he could pay before going into Court; whereas, if the Bill was left as it was, the tenant might take the landlord into Court, saying that although he could not do much he could expose the landlord, and probably he would get something, while the costs would have to be paid by the landlord. He urged the Committee to take up a judicial attitude between the two parties. If the Amendment was opposed by the Government, it would be supposed to be because he was a Member of the Conservative Party, or because the Government were resolved to abandon every word they had said on the previous day on one subject or another. If they did not like his limit they could take their own ; but, for the sake of the peace of Ireland, he hoped they would recognize the principle he proposed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought the Prime Minister had stated one very sufficient reason why the Government could not accept the Amendment. The Government assumed that they would have the best Court that could be constituted, and, there being such a Court, it might very well be left to regulate its own procedure. He was not at all apprehensive that the Bill as it stood would encourage that amount of litigation which the noble Lord feared. By the clause, as it was framed, it was competent for the landlord and the tenant to go jointly into Court and ask the Court practically to sanction their agreement. There was this further consideration—the first clause of the Bill creating a statutory term—namely the 3rd—proceeded on the principle that when a landlord demanded an increase of rent and the tenant accepted the increase, a statutory term at once arose. The 7th clause authorized a judicial rent to be fixed, and provided for a statutory term then arising by reference to the provisions of the 3rd section in that respect. The reason why the Prime Minister thought the landlord should first make a demand was that he should give the tenant an opportunity of getting a statutory term under the 3rd clause without any proceeding in Court under the 7th.

MR. GREGORY said, the Amendment was intended to prevent litigation, and was based on the same principle as was adopted in regard to property taken for public undertakings. There the party claiming gave notice to the other party of what he should require. The matter then went before a jury, and if the demand was unreasonable the jury had jurisdiction over the costs. He presumed the Court in this case would have jurisdiction over the costs. No doubt, the scope of the Bill did tend to promote litigation between the landlord and the tenant; but the Amendment provided some check by requiring notice to be given to the landlord. In that way he believed an enormous amount of litigation would be prevented; and the Amendment could not prejudice the tenant, for if his demand was fair, it would be granted by the Court without liability for costs, if it was unreasonable, it would be fairly subjected to penalties.

MR. CHAPLIN thought the Attorney General for Ireland had supplied an answer to the noble Lord, when he said if the Amendment was accepted it would involve the re-casting of the Bill. He wished the right hon. and learned Gentleman had said that the other day, because it would have afforded still stronger reason for omitting the qualification of the landlord; but he thought it would be the least evil of the two that the Bill should be re-cast in this respect, so that the landlord and tenant should go into Court on equal terms. The landlord could not go into Court and have the rent fixed until he had first demanded the specific increase which had been refused. The Court, in fixing the rent, had to take into consideration all the circumstances of the case; but what was the very first circumstance it would have to consider?

That the increase had been asked and refused; and the Court would think, therefore, the demand was unfair, and it must fix the rent at something less. Why was the tenant to be placed on a different footing? Not one argument had been advanced in point of principle against the Amendment except that it would involve the re-casting of the Bill.

MR. SYNAN said, he believed this Amendment would not save the parties expense, but would have rather the contrary effect. The notice by the landlord would save the parties going into Court if accepted by the tenant; but the notice by the tenant would render it necessary for the parties to go into Court notwithstanding the notice. The argument of the noble Lord, therefore, fell to the ground, and if this Amendment was adhered to they would have to begin the Bill all over again, and go back to the 3rd clause.

LORD RANDOLPH CHURCHILL said, everybody knew that the whole Bill turned on the 7th clause; and although he admitted that the Attorney General for Ireland made a point as to the statutory tenancy, if the right hon. and learned Gentleman accepted the Amendment, it would be easy to take the words of the 3rd clause and say that where the landlord accepted the tenant for 15 years the tenancy should be subject to statutory conditions, and that would exactly meet the point. As to the opposition of the Irish Members, represented by the hon. Member for Limerick (Mr. Synan), that was accounted for solely by the fact that they dared not accept the Amendment, because on most estates in Ireland they would have no case, and their opposition was simply to keep up strife between the landlord and tenant. He should certainly go to a division.

MR. BRODRICK wished for information upon one point which he thought the Committee were entitled to have before going to a division. In the Bessborough Commission Report he noticed that many hundreds of tenants came before the Commission to demand a decrease, and that their demands seemed to be based on very insufficient grounds. If that was so, and tenants went into Court voluntarily and demanded a decrease without specifying what they wanted, surely the litigation would be something entirely beyond expectation, and the work of the Court would be more than any Court could be expected to do. He wished to ask the hon. Member for the County of Cork (Mr. Shaw), who was a Member of the Commission, whether what he had stated was correct, and whether he did not think applications to the Court would probably be far more numerous than had been expected?

SIR STAFFORD NORTHCOTE said, the only difficulty with regard to the Amendment was as to the restriction, which certainly was a difficulty; but, on the other hand, he thought it would be quite possible if the Amendment was adopted to dispense with that restriction. It appeared to him, however, that in point of principle the Amendment was entirely right.

MR. SHAW said, it was the fact that hundreds of tenants applied to the Commission for reduction of rent; but he thought no one could imagine that a Court of Law would allow a crowd of people to make application without putting on record what they were applying for. These hundreds of tenants came before the Commission with their receipts of rent, and the Commission allowed them to make their own case. But in a Court of Law they would have to go upon some distinct statement. His opinion was that, instead of increasing litigation, the Bill and the Commission that would follow it would decrease litigation. He also believed that in nine cases out of ten the landlord and tenant would settle out of Court. He had met an Irish landlord the other day who was possessed with the notion that there would be great litigation, and that the rest of his life would be spent in litigation. He did all he could to drive that idea out of his head, and gave him a suggestion by which he seemed very much relieved. He said to him—"Go over to Ballynamore and marry the attorney's daughter."

MR. EDWARD CLARKE said, that there were two considerations which ought to be before the Committee before a decision was arrived at. There was no question of principle now involved, for the Prime Minister had given up that point. That was to say, he admitted it would be reasonable that under this Act, or by the rules of the Commissioners, it should be stipulated that notice should be given; but there were two matters which arose out of that. In the first place, if the Commissioners found that the House, dealing with this Bill, had deliberately put in a requirement with regard to one party, and deliberately left it out with regard to the other, they would have the best possible reason for making no rule. In the next place, he did not find any power in the Bill by which the Commissioners could make any such rule as was here suggested. They would be able to make rules with regard to procedure only, and their right began with the application to the Court. They might require that the application should state what was demanded by the litigant; but that application was the beginning of the litigation, and what was necessary was that that litigation should be prevented.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, he wished to point out to his hon. and learned Friend that the 42nd section distinctly said that the Commissioners had power to make rules—

> "As to any other matter or thing, whether similar or not to those above mentioned, in respect of which it may seem to the Land Commission expedient to make rules for the purpose of carring the Act into effect."

Question put.

The Committee *divided*:—Ayes 135; Noes 232: Majority 97.—(Div. List, No. 279.)

MR. NORTHCOTE said, he had a proposal to make which was designed rather to supply that which he considered an omission in the Bill than to make any Amendment of its provisions. It would have, to some extent, the effect of testing the sincerity of English Members and Members of the Government as to the main provisions of the Bill, because it would inflict a certain charge upon the Exchequer, and that, as a matter of fact, was the only objection which could be taken to it. He trusted, however, that it would commend itself to all sections of the House, because, whilst benefiting the landlord, it would in no way injure the tenant. The simplest way to explain it would be to take the hypothetical case of a landlord succeeding to an estate valued by a Government Department at £1,000 a-year. By the possible action of the Court to be created under this Bill the value of that estate might be reduced to £900. He could not believe that the Government desired to take money from both pockets of the landlord. If they really considered the Bill a great measure of State policy, they would surely not shrink from accepting this slight pecuniary loss to the Exchequer. He did not know of any argument except this purely financial one that could be brought against the Amendment, and he regarded the proposal as a test whether hon. Members below the Gangway were sincere in their professed desire to deal equitably with the landlord, and whether the Ministry were prepared to make any other sacrifice than a vicarious one of the landlords for the sake of the great principles alleged to be embodied in the Bill.

Amendment proposed,

> In page 6, line 31, after "paid," insert "and if the rent fixed by the Court be less than the present rent, the Court shall grant to the landlord a certificate of the amount of reduction in the rent, and such certificate shall entitle him to a proportionate return from Government of the amount paid by him for succession duty upon the present rent."—(*Mr. Northcote.*)

THE CHAIRMAN: My first impression with regard to this Amendment was —and I shall be glad, if any hon. Member entertains a different view, if he will raise the question of Order—that it proposed a drawback, and not a charge upon the Exchequer. If the proposal involves a regular charge on the Exchequer, on money already paid in to the Queen, it will not be competent for a private Member to move it.

MR. GLADSTONE: Looking at the name of the Mover of the Amendment, one feels rather surprised that any proposal of this nature that he makes should be open to doubt. Nevertheless, I have the gravest doubts as to the competency of the hon. Member to move this Amendment. I cannot recollect a case in which a Member of Parliament moved that money that had been received by the Queen under the authority of Parliament should be repaid out of the Exchequer. The hon. Member says it is to be repaid by Government. I do not know whether he means the Members of the Government, but I presume he means the Exchequer. I would suggest that the hon. Member should allow this matter to stand over for a time, in order that it may be considered and examined into. There is nothing at all in the

Amendment which, as a matter of propriety, requires that the provision should be inserted in this part of the measure. As a matter of good drafting, I should say it ought to go into a separate clause. I have not had sufficient opportunity of examining into the matter; but I must say that, as at present advised, I do not know of any precedent for money which has become the property of the Crown for public purposes having been taken back again. This is a very different matter to the reduction of a tax.

THE CHAIRMAN: I am sorry my attention was not drawn to this matter earlier; but that it was not, no doubt, is owing to the fact that the Amendments are so very numerous. I have here a Rule which is very clear on the point under discussion. Standing Order, 29th March, 1707—

> "That this House will not proceed upon any Petition, Motion, or Bill for granting any money, or for releasing or compounding any sum of money due to the Crown, but in Committee of the Whole House."

That means that we should require to be in Committee of the Whole House for the purpose before we could consider this proposal.

MR. NORTHCOTE: Of course, I have not the slightest desire to do anything contrary to the wishes of the Committee. I would ask permission to withdraw the Amendment, in order to examine into the point of Order, and to consider whether I should adopt any other means to effect my object.

Amendment, by leave, *withdrawn.*

MR. A. M. SULLIVAN: Perhaps the hon. Member—as we are anxious to meet him on the point of equity—would consider whether he might not add to his Amendment words calling on the landlords to refund the difference between the Income Tax they actually pay on Irish farms, and the real income exacted by them from the said farms.

THE CHAIRMAN: I called on the hon. and learned Member to move his Amendment—not to make this suggestion.

MR. A. M. SULLIVAN said, that since he handed in his Amendment at the Table, an Amendment had been accepted by the Government and passed by the Committee on the Motion of the hon. and learned Gentleman the Member for Dundalk, and that Amendment that had been so passed, to some extent, covered the same ground as his proposal. The terms of his Amendment were these. After the words "such fair rent," in the Attorney General for Ireland's Amendment, insert—

> "Provided always, that in determining such fair rent, no rent shall be imposed or charged upon, but the rent shall be totally exclusive of the fair value of the tenant's interest in his holding, whether in respect of improvements or otherwise, as may be estimated by the Court."

He did not think the Amendment accepted was as expressive as he could have desired, and as he thought the necessities of the case required. He, however, was bound to take into consideration the alarm which a more expressive Amendment would create, and the difficulties it might cause; therefore, he would not move his Amendment.

THE CHAIRMAN: I must now point out to the Committee that all Amendments down to line 11, on page 7, have been disposed of. The next Amendment is in the name of Mr. Marum.

LORD RANDOLPH CHURCHILL said, he rose to move a Motion which he was sure the Prime Minister would not quarrel with. It was that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Lord Randolph Churchill.*)

MR. GLADSTONE: It would be more convenient to finish the paragraph of the clause upon which we are engaged before reporting Progress.

MR. MARUM said, he had the following Amendment on the Paper:—In page 7, line 12, after "title," insert—

> "Provided that the tenant of a tenancy subject to the Ulster tenant-right custom, or to a usage corresponding to the Ulster tenant-right custom, may claim to have the Court fix what is the fair rent to be paid either in reference to such custom or usage as aforesaid, or in reference to the scale of compensation for disturbance, and the right to compensation for improvements (if any) as aforesaid, but not partly in reference to the custom or usage and partly under the provisions of this section."

His object in putting down this Amendment was to clear away all restrictions imposed on the fixing of a fair rent. He was not prepared to say that, under present circumstances, the Proviso was necessary. If the Attorney General for Ireland thought it was not, he would not move it.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, it was not necessary.

Mr. HEALY said, that, before they agreed to report Progress, he should like to ask the Government why they proposed to take a Morning Sitting to-morrow, seeing that they had the whole of the day for their Business?

Question put, and *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

METROPOLITAN OPEN SPACES ACT (1877) AMENDMENT BILL.—[Bill 9.]

(*Mr. Walter James, Mr. Bryce.*)

COMMITTEE.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Interpretation clause).

Mr. W. H. JAMES moved, in page 1, line 13, after "unoccupied," to insert the words—

"But shall not include any enclosed land which has not a public road or footpath completely round the same."

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 2 (Power to trustees to transfer certain open spaces to local authority).

Mr. WARTON moved that the Chairman do report Progress. This was a Bill of far too much importance to be proceeded with so late at night.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Warton.*)

Mr. W. H. JAMES said, he hoped that the hon. and learned Member would not persist in the Motion.

Mr. WARTON said, he most decidedly should.

Mr. W. H. JAMES said, the Bill had been on the Paper for a considerable time, but had been postponed from time to time in consequence of representations made by the noble Lord opposite on behalf of those interested, and their opposition had been arranged. There was now no opposition to meet, and he hoped the Bill might be allowed to proceed.

Earl PERCY joined in the appeal, and asked his hon. and learned Friend not to press the Motion. As the Bill first appeared, he certainly was not a friend to it; but it was a matter to which he had given some attention, and he thought the Amendments which the hon. Member had agreed to insert would entirely remove all objection to the Bill.

Mr. WARTON said, he could trust the assurance of the noble Lord, and would withdraw his Motion.

Motion, by leave, *withdrawn.*

Amendment proposed,

In page 2, line 11, after "as hereinafter mentioned," insert "and with the consent of the owners and occupiers of any houses fronting upon, or the owners or occupiers of which are liable to be specially rated for the maintenance of the open space, to be signified in manner hereinafter appearing."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Amendment proposed,

In page 2, line 27, after "trustees," insert "and such persons or class of persons shall be discharged from any special rate or other obligation previously imposed on them in respect of such open space."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Amendment proposed, in page 2, line 29, after "resolution," insert "as aforesaid, and with such consent as aforesaid."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Amendment proposed,

In page 3, line 9, after "meeting," insert "and if such resolution shall also have been confirmed by two-thirds in number of the persons present at a second like meeting, to be summoned by such notice as aforesaid, and to be held at an interval of not less than one calendar month from the first meeting, the consent of such owners and occupiers of houses as aforesaid shall be held to have been given and signified if, at a meeting of such persons summoned by at least one month's notice in writing given as hereinafter directed, a resolution shall have been passed by a majority of at least two-thirds in number of the persons present at such meeting consenting to the conveyance, grant, or transfer of the said open space as aforesaid, or to such an agreement with the Metropolitan Board, Vestry, or District Board; and if such resolution have also been confirmed by two-thirds in number of such owners and occupiers present at a second like meeting, to be summoned in like manner to the first meeting, and to be held at an interval of not less than one calendar month from the first meeting.

"Notice of such meeting shall be given by leaving the same or sending the same through the post to every house fronting upon, or the owner or occupier of which is liable to be specially rated for the maintenance of the said garden, and by inserting the same as an advertisement at least three times in any two or more London daily papers, and such notice shall state generally the object of the said meeting, and no such meeting shall be held between the first day of August and the thirty-first day of January in the following year.

"For the purposes of this section the owner of a house shall include any person entitled to any term of years therein; and the occupier of a house shall be the person rated to the relief of the poor in respect of the said house.

"If at any meeting of such trustees or managerial body, or at any meeting of such owners or occupiers as before mentioned, the resolution proposed at any such meeting be not carried, no meeting shall be called or held with the same object in respect to the same garden or open space until the expiration of three years from the day on which such resolution so proposed was rejected at any such meeting as above mentioned."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Amendment proposed,

In page 3, line 15, after "number," insert "the trustees or other managing body of any such open space as aforesaid may (anything contained in the Act or other instrument under which they are constituted or act to the contrary notwithstanding) in pursuance of any such resolution as aforesaid, and with such consent as aforesaid, signified as aforesaid, admit persons not owning, occupying, or residing in any house fronting on the said open space to the enjoyment of the said open space at all times, or at any specified time or times, and may regulate the admission of such persons thereto on such terms and conditions in all respects as the trustees may think proper.

"Any trustees so acting as aforesaid shall have the same power of making bye-laws as that conferred by the fourth section of the Act passed in the twenty-sixth year of Her Majesty, chapter thirteen, intituled 'An Act for the protection of certain Garden or Ornamental Grounds in Cities and Boroughs upon the Committee therein mentioned.'"—(*Mr. W. H. James.*)

Amendment *agreed to.*

Amendment proposed,

In page 3, line 16, at end, add "Where the freehold of any such open space as is referred to in this section, and the freehold of all or of the major part of the houses round such open space are vested in the same person or persons, the powers conferred by this section shall not be exercised without the consent of such person or persons."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 3 (Power to transfer other open spaces to local authority).

Amendment proposed,

In page 4, line 11, add "and no such meeting shall be held between the first day of August and the thirty-first day of October in any year."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 5 (Powers and duties of local authority).

Amendment proposed,

In page 5, line 12, after "regulation," insert "but shall not allow the playing of any games or sports therein."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 8 (Provisions for extra-parochial places).

Amendment proposed,

In page 6, line 20, after "Board," insert "No estate, interest, or right of a profitable or beneficial nature in, over, or affecting an open space, churchyard, cemetery, or burial ground, shall, except with the consent of the person entitled thereto, be taken away or injuriously affected by anything done under this Act without compensation being made for the same; and such compensation shall be paid by the Metropolitan Board, Vestry, or District Board by which such estate, interest, or right is taken away or injuriously affected, and shall, in case of difference, be ascertained and provided in the same manner as if the same compensation were for the compulsory purchase and taking, or the injurious affecting of lands, under the provisions of 'The Lands Clauses Consolidation Act, 1845,' and any Acts amending the same."—(*Mr. W. H. James.*)

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 11 (Application in city of London).

Amendment proposed,

In page 7, line 1, after "defray," insert "out of the metage of grain duty or otherwise."—(*Mr. W. H. James.*)

MR. FIRTH said, it was undesirable that there should be any further expenditure imposed upon the metage of grain duty. At the present moment more money had been borrowed on this duty than there was power to borrow by Act of Parliament, and, undoubtedly, they might look forward to the duty being abolished before long. It was not in any case desirable that Parliament should give further sanction to the expenditure the City of London of moneys raised by from the whole Metropolis.

Amendment *agreed to.*

Amendment proposed,

In page 7, line 2, after "them," insert "and any bye-laws made by the Corporation for the regulation of any open space acquired under the powers of this Act shall be made and allowed in manner prescribed by 'The Corporation of London (Open Spaces) Act, 1878.'"

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Bill *reported*; as amended, to be considered upon *Monday* next, and to be *printed*. [Bill 202.]

MARRIED WOMEN'S PROPERTY (SCOTLAND) BILL.—[Bill. 199.]

(*Mr. Anderson, Mr. Duncan M'Laren, Sir David Wedderburn.*)

Lords Amendments *considered.*

On the Motion to agree with the Lords in the Amendment to omit Clause 7,

Mr. WEBSTER said, that it was quite impossible, at that late period of the Sitting, to discuss the Amendment they were asked to agree with. He was unable to agree with the proposal; and yet he must say that, from what he had heard of the circumstances under which the Amendment was brought forward, and agreed to in the House of Lords, it would be perfectly vain for him, an individual Member, to attempt to get from the Scotch Members such an expression of opinion as would persuade the House to differ from the House of Lords in this Amendment. At the same time, if it were earlier in the evening, he would, by way of a protest against this proceeding of the House of Lords, have reminded the House of some of the circumstances. This Bill, which would effect an important change in the Law of Scotland, was submitted to a Select Committee, which took evidence, and that of the most distinguished Members of the Scotch Bar among others, and it was only after receiving this evidence, and much deliberation, that the Select Committee allowed the Bill to leave their hands in the shape in which it went up to the House of Lords. This 7th clause was the deliberate expression of the Committee's opinion, and he desired to make this final, though unavailing, protest against its being struck out.

Mr. ANDERSON said, this clause was omitted at the special wish of the Lord Chancellor, who did not see the objections to its omission that his hon. Friend did; but the Lord Chancellor did see grave objections to leaving the clause in, one of which was the opportunity it would give a dissolute husband to sponge upon a wife with a small estate. It was thought right to strike out the clause, therefore, and leave it to the good sense of the parties.

Lords Amendments *agreed to.*

MOTION.

ENTAILED ESTATES CONVERSION (SCOTLAND) BILL.

MOTION FOR LEAVE.

The LORD ADVOCATE (Mr. J. M'Laren), in moving for leave to bring in a Bill to authorize the conversion of entailed estates, and to amend the Law of Entail in Scotland, would only say that if there was one object in which proprietors and tenants in Scotland were agreed it was in the desirability of giving further powers for the sale of entailed estates, because nothing caused more injury to the agricultural interest than the limitations the law now imposed. At that late hour he would not detain the House by explaining the provisions of the Bill, but simply asked leave to introduce it.

Motion *agreed to.*

Bill to authorise the conversion of Entailed Estates, and to amend the Law of Entail in Scotland, *ordered* to be brought in by The Lord Advocate and Secretary Sir William Harcourt.

Bill *presented*, and read the first time. [Bill 203.]

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Friday, 1*st July*, 1881.

MINUTES.]—Public Bills—*First Reading*—Statute Law Revision and Civil Procedure* (140); Solway Fisheries Amendment* (141); Presumption of Life (Scotland)* (142).
Committee—Summary Jurisdiction (Process)* (124).
Report—Gas Provisional Orders* (97).

SOUTH AFRICA—THE TRANSVAAL—FURTHER PAPERS.—QUESTION.

Lord BRABOURNE asked the Secretary of State for the Colonies, When further Papers will be presented regarding the Transvaal; and, also, whether in those Papers will be included the Letter from Mr. Gladstone to the Boer Leaders?

The Earl of KIMBERLEY, in reply, said, he laid on the Table of the House the previous night further Papers with respect to the Transvaal; and they included the Letter referred to.

THE EARL OF CARNARVON asked, when they would be in the hands of Peers?

THE EARL OF KIMBERLEY: Very shortly.

LANDLORD AND TENANT (IRELAND).

MOTION FOR PAPERS.

THE DUKE OF ARGYLL, in rising to call the attention of the House to the Report of the Bessborough Commission on the Irish Land Laws, and to the evidence relative thereto; and to move for the following Returns:—

"I. A Return showing the number of agricultural holdings in Ireland, and the tenure by which they are held by the occupiers, arranged as follows:—1. Holdings valued under £5; 2. Holdings valued at £5 and under £10; 3. Holdings valued at £10 and under £15; 4. Holdings valued at £15 and under £20; 5. Holdings valued at £20 and under £25; 6. Holdings valued at £25 and under £30; 7. Holdings valued at £30 and under £35; 8. Holdings valued at £35 and under £40; 9. Holdings valued at £40 and under £50; 10. Holdings valued at £50 and under £100; 11. Holdings valued at £100 and upwards; and showing in what counties they are situated respectively: II. Return showing—1. The total number of land claims decided by each county court judge in Ireland since the Act of 1870 came into operation; 2. The number of such decisions in each case in which the maximum compensation under the scale sanctioned by the Land Act was awarded by the Court; 3. The number of such decisions which were abated on appeal by the Court of Appeal: III. Return of the number of evictions from agricultural holdings in each county in Ireland for each year from 1871 to 1880 both inclusive; and showing how many of these evictions were for non-payment of rent: IV. Return of the claims under the Land Act of 1870, made by tenants of agricultural holdings in respect of compensation for improvements, in each county court in Ireland; showing the amount so claimed in each case, and the amount awarded by the court of first instance, and as altered on appeal,"

said: My Lords, my first duty is to apologize to the House, and especially to those Members of the House who are connected with Ireland, for the frequent postponements of this Motion. I can assure those noble Lords connected with Ireland—some of whom, I am afraid, I have put to some personal inconvenience—that nothing but physical inability would have prevented me bringing it forward on the day first named for it; and, although I hope to discharge the duties I have undertaken to-night, I wish I was as confident of my own strength as I am of the indulgent consideration of this House. My Lords, we all know, if not from the common sources of information, at least by the official information contained in the gracious Speech from the Throne, that before the close of the present Session we shall be called upon to express our opinion of, and to give our decision upon, a measure largely, I may say fundamentally, altering the Irish Land Act of 1870. My Lords, no words that I can use can exaggerate the sense of the difficulty, the delicacy, and the responsibility under which I now address your Lordships, and which will then be cast upon us; but, my Lords, I should certainly not be speaking in the sense of that responsibility, which I deeply feel, if I were to induce your Lordships, or any Member of this House, to enter upon a premature discussion of measures which are not before us. At the same time, there are great questions of fact, and matters of the highest interest and importance, which, in my opinion, your Lordships have not only a right, but which it is your duty, to discuss before those measures are brought into this House. Now, my Lords, in particular, Her Majesty's Government have laid upon the Table of this House, and upon the Table of the other House of Parliament, the elaborate Report of a Royal Commission appointed by themselves to inquire into the circumstances of the subject; and I presume that my noble Friends below me, in laying that Report on the Table of the House, desire and expect that we should consider this matter and discuss it. Let me remind the House for a moment of the circumstances under which the Commission was appointed. The present Government was formed with no expressed intention of bringing in another great Irish Land Bill. I state this broadly and distinctly, so far as my knowledge goes. I do not mean that the Government was called together with a pledge that no such measure was required; but I mean, it formed no part of the programme upon which the Government was formed. Perhaps no Government was ever formed on a greater or wider programme, if we are to take the speeches of my right hon. Friend the Prime Minister in the course of the Mid Lothian campaign as the programme of the Government; but, so far as I recollect and am concerned, it was not intimated in those speeches that it was the intention of the Government to unsettle the settlement of the Land Act of

1870. Well, then, let me remind the House of the circumstances in which this Royal Commission arose. Your Lordships will remember that we opened Parliament last Session with a Queen's Speech, in which there was a paragraph referring to the future condition of Ireland; but not a hint was given of other measures with respect to Ireland than those measures of relief which had been begun by the late Government; nothing was said that they would be insufficient to meet the requirements of the case; indeed, an expression of confidence was uttered that the future of Ireland would be prosperous and happy. Now, my Lords, it is to be recollected that at that very moment the Land Bill had not been thought of, but the Land League had been formed. Indeed, it had been in existence for a considerable time during the reign of the previous Government; and it is to be remembered, further, that not only had the Land League been formed, but difficulties had begun with regard to wholesale evictions in Ireland. If I recollect aright, in the time of the late Government there was one case where a force of 50 men were unable to enforce an eviction at Kilmallow, and a further force of 120 men was ultimately sent out for the purpose. Those were the circumstances under which we assumed Office in 1880, and those were the circumstances under which the Queen's Speech was delivered, in which no intention whatever was expressed of re-opening the Irish Land Question. A very few weeks after this the Irish Government became alarmed, not so much by the actual number of evictions, as by the danger they saw impending ahead of a very much larger number of evictions for non-payment of rent during the coming winter; and, under those circumstances, looking at the increased resistance of the people, and the determination of the people not to pay, the Irish Government recommended that measure which is known as the Compensation for Disturbance Bill. My Lords, I am not going to renew the controversy, or indeed to say a word on the controversy on that Bill; but this I may say, that during the debates that took place on this matter, intimations were made, as it appears to me, on both sides of the House, that probably, instead of the temporary measure, it might be necessary to review the actual operation of the Land Act of 1870. I remember I was particularly struck with a passage in the speech of the noble and learned Earl (Earl Cairns), whom I am sorry not to see in his place this evening, and who delivered an able speech, in which he indicated distinctly his willingness to re-open the question of the Land Act of 1870. He said he should support a statesmanlike measure for that purpose, without, of course, committing himself to any particular measure or suggestion. But he did indicate his wish to re-consider the matter. Well, my Lords, under those circumstances, I confess I was one of the Members of the Government who were most anxious and eager for the appointment of a Royal Commission to ascertain the actual facts as regards the operation of the Act of 1870. The noble Duke opposite (the Duke of Richmond) presided over another Commission appointed by the previous Government; but that Commission was of a much larger scope—it was a Commission to inquire into the agricultural distress which had prevailed over all three Kingdoms of England, Ireland, and Scotland. But that Commission was not specially directed to the operation of the Land Act of 1870, and the Members of Her Majesty's Government at that time, and I agreed with them in doing so, thought it was most expedient that a Special Commission should be appointed to inquire into the actual operation of the Land Act of 1870 during the 10 years it had been in operation. That Commission was appointed under certain terms, which, as I say, directed its attention specially to the operation of the Land Act of 1870, and to the making of suggestions with a view to the amendment of that Act. I have, in another form, expressed a very strong opinion that that Commission directed its inquiries with a view to the establishment of a foregone conclusion as to the nature of the remedy to be applied to the assumed grievances of Ireland under the assumed failure of the Act of 1870. I am not now going to dwell upon it, but merely wish to state as a fact, patent on the face of the examination of the witnesses, that the most active Members of the Commission, Baron Dowse, Mr. Shaw, and others, conducted their inquiries, from the beginning to the end, with a foregone conclusion in favour of the scheme called the "three F's." The "three F's" was crammed down the throat of every witness, and suggested to every witness, even if he himself did not think of it, and it was clearly proved by the evidence that it was so suggested in order to prove those grievances existed for which it was said the "three F's" was a remedy. I am not going to weary the House with evidence of a fact that is patent, but I am going to take the evidence as I find it, and I say so much the better for my purpose. What I want to know is this—what has been the result of this evidence as regard this important question? and what has been the operation of the Act of 1870 in regard to those special grievances which it was passed to remedy? That is the point to which my inquiry is directed. Of course, my Lords, it needs no inquiry to see that in a certain sense the Act of 1870 has been a failure. It is quite certain that it has not pacified Ireland. We see too clearly that it has not satisfied the Irish people, that it has not prevented the occurrence of agrarian agitation. Now, my Lords, there are various modes of explaining that failure. It may be said that three disastrous years, testing even severely the agricultural system of England and Scotland, but coming upon an agricultural condition of things in Ireland which is essentially in many respects unsound, that no efforts of ours could remedy the most grievous distress which arose, and out of which agitation might arise again. Again, it may be said, and I dare say many noble Lords opposite may be inclined to say, that the Act of 1870 failed because it raised expectations which it would not satisfy; and really the same explanation in another aspect was given by Mr. Parnell, when he said that the Act of 1870 contained germs which were not properly developed. So the same objection is taken by both Parties, though in the one case from the Home Rule, and in the other case from the Conservative point of view. But they mean the same thing, that the Act failed because it laid down principles which it did not fully develop; one Party thinking these were dangerous principles, and the other that they were valuable principles which ought to be applied. I am not going to enter into any of these speculative questions now; my inquiry is specific and distinct. What is the evidence taken before this Commission as to the effect of the Land Act of 1870 in remedying the special grievances which we designed the Act of 1870 to remedy? The witnesses numbered no less than 700, and the number of questions and answers amounted to 40,000. I cannot say that I have read the whole of the examination, but I have studied the evidence with great care, with a desire to ascertain; and I wish now to draw the attention of the House to this most important question—namely, the practical grievances which we intended to remedy by the Act of 1870. Now, my Lords, the 1st clause of the Act of 1870 to which I wish to draw the attention of the House is one, strange to say, very seldom noticed at all. The 9th clause of the Act of 1870 is the one that provides that ejectment or eviction for non-payment of rent is not to involve the principle of disturbance. But there is this remarkable exception linked with it, sanctioned by Parliament, that in the case of all existing tenancies below £15 rent, if the Court should find that the rent is excessive or "exorbitant"—for that is the word used—then eviction even for non-payment of rent may involve compensation by the landlord. This is a most remarkable provision. I need hardly point out to the House that it is a provision which involves, to a considerable extent, within limitations, but still very distinctly, the principle of the Disturbance Bill of last Session. Now, my Lords, let me ask this question, and direct the attention of the House to the answer to it. On what principle was this clause framed, and why was this curious exception made to a general principle of obvious equity—that when a landlord gets rid of the tenant for non-payment of rent, he shall not be called upon to pay compensation for turning him out? My Lords, that question opens up a much larger question, and it is this—what is the practical connection between the past history of Ireland—the political history of Ireland, what is commonly known as the wrongs of Ireland—and the duties and necessities of present legislation? It is a most difficult question to answer, my Lords; but I, for one, am not prepared to deny that there is a connection, a most embarrassing connection, between the past political history and the wrongs of Ireland and the duties and necessities of our present legislation. But this I would say, that the popular understanding of what that connection is, and the use which is made of those wrongs of Ireland, is one which ought to be watched and examined with the closest attention. My Lords, I do not know whether your Lordships have seen a pamphlet published lately by my right hon. Friend at the head of the Government. I call it a pamphlet; but originally it was a speech which he delivered in "another place" on the second reading of the Bill which is not yet before us. As a speech, we have nothing to do with it; but, as a pamphlet, it is accessible to us all. I am not going to enter into any part of that speech as regards the arguments used in it; but there is one passage which I read the other day, and which I confess struck me very much. My right hon. Friend refers to the difficulties under which the Government labour, and he says that one of those difficulties has been the schemes, the many schemes, which have been urged on the Government in Ireland, which he, for one, cannot separate from the character of being schemes of public plunder, although he by no means intends to say that those who propound them are conscious of their deserving this epithet, and assuming that character. This is one of the most remarkable utterances that ever came from a Prime Minister. I do not know what the schemes may be to which he is referring. I do not think they can have been the schemes of the Land League, because they are avowedly public plunder. I imagine, therefore, that when my right hon. Friend denounces, as among the difficulties which the Government have to meet, the schemes that are propounded in Ireland for the solution of this question, he must allude to schemes that come at least with the pretence that they are within the possibility of Parliamentary discussion; that they are propounded by men of tolerably moderate opinions on other matters, and having some pretension to present to Parliament the popular opinions they have on this great matter. Therefore, we have this decided indication of opinion on the part of the Prime Minister—that some of the schemes urged on Parliament are of so violent a nature as to deserve the name of schemes of public plunder; and yet—and it is a remarkable thing—that those who propounded them are perfectly unconscious of their character. I entirely agree in that with my right hon. Friend; but I think it indicates a demoralization of public opinion on these great public questions such as never before existed; and I ask what is the cause and what is the origin of this extraordinary demoralization of opinion? A great many of these schemes I confess I have heard propounded by Friends of my own, and I have said to them—"How can you propound such schemes? You know what you would think if they were propounded for any other country in the world. You know what you would think if they were propounded in France, or in Scotland, or in England, or in any other part of the world but Ireland; and how is it you reconcile your consciences to the propounding of such schemes for Ireland?" And I have found the propounders of these schemes generally reply by making excuses, referring to the peculiar circumstances of Ireland, the wrongs inflicted in past times upon that country, the confiscations, and the hardships it has undergone. Now, my Lords, when we are dealing with the demoralization of public opinion, it is of the utmost importance to scrutinize the arguments which are brought forward, and I hold that the question must be thoroughly argued. Let me say, in the first place, not denying some connection, only too real, between the wrongs of Ireland and the necessities of our present legislation, that I deny altogether that the great confiscations which took place in Ireland have anything whatever to do with the matter. Not to mention the fact that the youngest of them is about 200 years old, no settlement of property could be safe in any country if such arguments were to be entertained. Not to mention the general ground of principle, I say this, moreover, that there is probably not one single tenant in Ireland at the present moment whose right to his holding is older than that of his landlord, from whom he derives it; and if he questions his landlord's title he questions his own, and therefore these confiscations have nothing to do with the matter. Just conceive the case of an Ulster tenant coming to this House and asking for something altogether outside the Ulster Custom, and quoting the great confiscations of Cromwell and James as a plea for having his privileges. What is the answer to be given? "You are an interloper as well as your landlord." In 99 cases out of 100 he is a "plantation" man. He came into Ireland as one of the confiscators, when the Natives were driven away to the South; and any claim now on the part of the tenants of Ireland, and on the part of any class especially leaning on the old grounds of confiscation, is about as absurd as that of a tenant of Hampshire who should come and ask special privileges because of the cruelties perpetrated by the Normans many centuries ago in founding the New Forest. But now there is another plea which is much more common than confiscation. I have heard, over and over again, and a distinguished Friend of mine, in an article published in one of the reviews, pleaded that the great wrongs of Ireland were these—that we had insisted upon breaking up the old Irish customs, and bringing in our English law, which was unsuited to the people of Ireland. This idea is repeated from day to day in the Press as a plea for extraordinary measures for Ireland; and I say this—that there never was a plea for such measures more absolutely without foundation than this distinction between Irish customs and English law. What were the old customs of the Irish people? They were the customs of the Celtic Tribes, and I ought to know something on that subject, and I think I do. I am myself a Celt, and more than that, in our country we are Irish Celts. The time when our people in the Western Highlands of Scotland came over from Ireland still lives in the memory of the people. I have often stood on the shore of my own county looking to the opposite coast of Ireland, divided by a strait so narrow that on a clear day we see the houses, the division of the fields, and the colours of the crops; and I often wondered at the marvellous difference in the development of the two kindred peoples. And yet, my Lords, do not let us be mistaken; our position was parallel to theirs during the whole of the Middle Ages. The history of the Highlands of Scotland during the whole of that period was a rude and barbarous history, full, indeed, of poetic incident, over which the genius of my great countryman, Sir Walter Scott, has cast the halo of an imperishable charm; but I say again, it was the history of almost utter barbarism. All the Tribes smothered men, women, and children. There was smoking to death in caves, and all districts of the country were continually ravaged by civil war between clan and clan, and women were exposed to death on tidal rocks. These are the stock ingredients of the Celtic history of Scotland as they are of the Celtic history of Ireland; and yet how complete a change. No part of the world has made such progress in civilization, and in wealth, and in agriculture as the Western Highlands of Scotland during the last 100 years. No part of the world, in so short a time, has made such rapid strides of progress. And what has been the cause of this great change? Nothing now remains of that old Celtic character except a certain sentiment of the clan feeling, which still sweetens our society very much as the clouds on a stormy morning are very often the brightest ornament to a peaceful day. What was the cause of the change? It was the gradual invasion, and the firm establishment against the old Celtic habits of those higher customs and better laws which came from the Latin and Teutonic races. A native legislation was developed in Scotland, founded, it may be, on the jurisprudence of that ancient people who were so great in arms and in arts, but greater than all, perhaps, in law; and so gradually we have emerged from that state of Celtic barbarism into the condition in which we in Scotland now find ourselves. But what is the truth with regard to Ireland? There never was a grosser misrepresentation of history than to say that the Irish have suffered from the invasion of the English law. The idea that under the old Celtic custom the cultivator of the soil had a greater security than he has now is ludicrous. Even in the great Report of this Commission—and I do not profess any very great respect for that great Report—they tell you that under the old Celtic customs they were at the absolute disposal of their Chiefs. Have your Lordships read a book which everybody who takes an interest in this question ought to read—I mean the tracts of Sir John Davis, who was Attorney General in the reign of James I., and who was sent over to Ireland on public affairs? I will give your Lordships a few very short extracts from his book, in which he describes the way in which the Irish people who had some portions of land allotted to them were impoverished and despoiled of their treasures by their Chieftains. Their position, as regarded tenure, he says, "is only a scanty and transitory possession at the pleasure of the Chief." Then, Sir John Davis quotes from an old Irish authority, proving that the Irish people were anxious to get the benefit of the English law, which in many cases was withheld from them. He further says, truly enough in regard to some of those old Irish customs, "that although they undoubtedly originated in a certain place that is always nameless to ears polite, if practised there as in Ireland, they would have brought to an end the kingdom of Beelzebub." These are the Irish customs under which the Irish tenants would be, rather than under English law. The truth is this, the whole attempt under the government of law was to substitute uncertain exactions and services for the benefit of rent at fixed periods. That was the great object of English law, and that, I need hardly say, is for the necessity of agricultural security of the tenant. Having disposed of these two very absurd pleas with regard to the condition of Ireland, I will refer your Lordships to things which I think are valid pleas if exceptionally treated, and I would put my finger at once on the penal laws. Until I looked into this question, I confess I did not realize the close connection between those miserable penal laws and many of the difficulties in which we are now placed. My Lords, let us recollect that for very nearly the space of 100 years, at least more than 88 years—the greater part of the 18th century—Ireland was under penal laws against Roman Catholics, the nature of which was this, that no Roman Catholic could hold a beneficial interest in a lease. I put my finger on that law alone, and ask your Lordships if it is not responsible for a very great deal? The landlords could not get rid of the land except by letting it to a Protestant, or a nominal Protestant, and the tenant who took it had to recoup himself by sub-letting it to other people. There was no clause against sub-letting. Indeed, the object of the chief lease was that the tenant should be able to sub-let, otherwise no rent would have been derived for the land at all. You had that system all over Ireland, under which men were under an absolute necessity of letting land upon very long leases, with the most injurious provisions in regard to sub-letting and toil; you had a pauper tenantry bred upon the soil under the direct influence of your penal laws. Never has a punishment so direct and so rapid followed the violation of one of those great laws of national justice that no Parliament and no Kingdom can violate with impunity. Well, upon the back of that came the 40*s.* freehold, which again gave a political value to the land; and, last of all, came the system which I have never heard of anywhere except in Ireland, the truly Irish idea and custom—it is called "burning the land." Here, again, till I looked into this matter, I had no conception of the extent to which this evil went. A recent writer on this subject—a gentleman of authority who knows what he is speaking about—says he recollects when a whole area of country at night would be one mass of smoke and flame by burning the fine old pastures for the purpose of growing potatoes and wheat, a system most destructive to the land, but enabling the tenant to realize immense profits in the meantime. This custom attracted the attention of the Irish farmer; statute after statute was passed to prevent it, but in vain; agrarian outrages in great numbers were committed against those endeavouring to restrain the people, and a large portion of Ireland is to this day suffering for the poverty that this barbarous custom caused. Now, I beg the House to observe that the *modus operandi* of the law was this—it gave unlimited scope to genuine Irish customs, the sub-division of the soil, sub-letting and sub-letting over and over again down to the lowest standard of the people, with this barbarous custom of agriculture. Though the free scope thus given to these Irish customs was the mischief of these laws, they did not interfere with these Irish customs, but placed a premium upon them, and allowed them to go to the greatest licence and excess. In order that the House may realize the actual result, I take a case from the evidence of the Commission. One witness gave evidence as to his own estate. The land was let in 1796; and of 491 acres at £241, or less than 10*s.* an acre, in 1850 not a single acre was in the hands of the representative of the original lessee. He had let to 67 sub-tenants; then these sub-tenants let to 129 sub-sub-tenants, and of these 90 lived in cabins, not having a single perch of land. The result was, that instead of one or two families, which would be quite enough for the healthy population of the soil, there were 196 families, or 980 souls. Now, this is the condition of things, these are the laws, these are the habits with which you must grapple, and with which you must deal in dealing with the Irish Land Laws; and I say, as one of the authors of the Act of 1870, this is my excuse for having agreed to a clause so exceptional as that to which I have directed the attention of the House. I now wish to direct the attention of the House more particularly to the result of that clause. Below £15 valuation, tenants might fall into arrear and be ejected for non-payment of rent, and they might go to the Court and say—"My rent is exorbitant, and I demand compensation." How many of the tenantry of Ireland were affected by this clause? Something like three-fourths of the whole tenantry of Ireland. How many cases were brought forward? Over the whole of Ireland there was not a single tenant able to come forward and plead that his rent was exorbitant. Was not that a most remarkable fact, with the most litigious tenantry in the world, incited by lawyers prepared to take advantage of every quirk and quibble of the law—that over the whole of Ireland this special clause of protection for exorbitant rent below £15 was not taken advantage of, so far as I can find, in one single instance. Now, with regard to this poor class of tenants, I think there is a great deal of exaggeration as to the miserableness of their condition. I mean the extremeness and hopelessness of their condition. There is, no doubt, a good deal of wretchedness in Ireland; but these people live close to the greatest labour market in the world, to which railways and steamboats carry them for a small sum, and the wages of the labourers are, as a whole, fairly good. I had the curiosity to go to the Irish Office and ask for details of the cases of small farmers, or, in fact, of labourers with small allotments. The average rents of these farms came to 30*s.* a-year—that is to say, about 8*d.* a-week, which is less than any artizan pays for the rent of his room in a town. It must be remembered also, however, that whereas the artizan gets no return for the rent he pays for his room, the Irish tenant gets plenty of potatoes, some corn, and perhaps some keep for his pig. I feel bound to say that is a condition of things which in all cases is unsatisfactory. However, my Lords, I pass that, and come to matters of much more importance—the effect of the Disturbance Clause of the Act of 1870 upon this class. Your Lordships will recollect that the principle of that Act was this—not to prevent or destroy the right of the landlord to deal with his property, but it placed a fine upon him in the case of this right being exercised in certain specified ways, this fine being imposed according to a certain graduated scale. The object of the clauses was this—to prevent a landlord from enforcing, I will not say an exorbitant, but a very dear and excessive, rent; and, secondly, to prevent him making frequent unfair increasements in the rent; and, thirdly, it was to prevent him unjustly charging an additional rent upon the improvements of his tenants; and, lastly, it was to prevent him from infringing the Ulster tenant right. These were the four great objects of the Act of 1870, and where is the evidence to show that that Act failed in securing them? I will ask your Lordships to follow me for a short time while I endeavour to analyze the evidence bearing upon this point. In the first place, let us take rents which, according to the evidence, though not exorbitant, are, at all events, very dear—oppressively dear. We see it over and over again stated that the landlord has been squeezing up the tenant to pay dear rents; but that is said of other countries also. Now, what is the evidence of the Commission on this point? In the first place, let me point out that the Commission proceeded to its work in the most extraordinary way. They began by asking every tenant whether he thought his rent too dear. They never tested any one case. They never sent down a valuator in any one case to test the statement of the tenant, or to ascertain the value of the land. I have heard it questioned whether the Commissioners had power to employ a valuator for such a purpose; but I have myself no doubt whatever, looking at the wideness of the terms constituting them, that they had ample power to take that course. They, however, did not think fit to do so in any single case. Professor Baldwin, one of the first witnesses examined, and one of the great authorities on the subject, says that there is no mode whatever of testing whether rents are dear, except by going to the spot with a skilled valuator; but this was never done, and not only was no valuator sent down, but there was no confronting of witnesses with the view of testing a valuation. Cross-examination, except in the interest of the tenant, was also most feeble and most ineffective. No testing by valuation, no testing by confronting of witnesses, and now what is the Report they have given us? The Commission came to this conclusion—I think they might have written it before they began to sit at all—they say that—

> "The evidence shows that under a system of gradual small increases of rent, the tenants have at length reached a point at which they consider themselves to be unfairly rented."

I must say to my noble Friend who presided over the Commission (the Earl of Bessborough), that he could have written the sentence before he began his investigations. Then follows a still more remarkable sentence. The Report says—

> "It has been found that the landlord has actually been able to turn out a tenant, and to pay the whole compensation that the Court would give him, and then to get a new tenant, who was happy to take the farm at the former rent, and to pay the amount of compensation awarded besides."

The Report states this as if it were a grievance, as if the rent were too high; but to my mind it is, if not conclusive proof, at least *primâ facie* evidence that rent was very low because another Irishman was willing, not only to give the rent, but to pay a high premium to get the farm. The evidence of the Commissioners was sent to us from day to day, at least from week to week, and from month to month. I hope I do not weary your Lordships; but it is a serious matter, and I therefore went very closely into the evidence. I was very much interested as one of the authors of the Act of 1870, and I felt it a public duty to look closely into the facts, to see what had been the result of the Act of 1870. Well, now, the second witness examined by the Commission was a certain Mr. Ferguson, who filled the office of County Court Judge, I think, in one of the largest counties in Ireland; a man of great experience, and a man of very strong opinions. In short, he wished to have complete power over the landlords to prevent them doing anything he thought was wrong on their part. It appeared he had made, two or three years ago, before the appointment of the Commission, some very severe observations in regard to a case in which a tenant had suffered hardship, and, of course, he was immediately interrogated about this case. He said he remembered making these severe observations, and he thought they were deserved. It was, he said, a case of six or seven tenants who had been charged a very unreasonable rent, to which they were obliged to submit, as they could not run the risk of litigation. Mr. Ferguson said it was a very hard case; and he went on to say, encouraged by the cross-examination, that the tenants had all been ruined. It was altogether a very hard and cruel case. Well, this case made a great impression upon my weak and susceptible mind at the time. I thought it was a hard case, and I looked to see who was the landlord, and I found it was two ladies, the Misses White, and I remember it occurred to me whether it would be according to Irish ideas that we should expatriate not only the landlords but the landladies as well. Very soon afterwards, when I saw a similar case brought against a clergyman of the Church of England, I remarked to a friend that the only cases of hardship I saw was upon estates managed by women and clergymen. But I am happy to say that both women and clergymen came well out of the cases. This evidence came before us; but the rebutting evidence was not furnished for many months after Mr. Ferguson had given his evidence. I ask if anything so monstrous was ever done, that a lawyer in high position should give evidence before this Commission upon the mere hearsay of a person. Such hearsay, too, as made it evident that he had never investigated the facts, and that this should go forth to the English race, and to the British people, as an example of the hardships imposed by Irish landlords, one that was perfectly to be relied upon, although it was not supported by the facts! What does the agent of Miss White say? He says that the tenants are all living in new slated dwelling-houses, or old ones well repaired; drainage and fences were among the improvements which had been made by those very tenants since 1878; there never was, indeed, any difficulty between the owners of the soil and the tenants until this Land League agitation began. They were not poor men; they paid in all about £190 among them—showing that they belonged to what is a very respectable class in Ireland, they had at least 46 milk cows, besides young stock; and were in the most thriving and flourishing condition. This is one of the cases that made a great impression upon my mind, and this is the result. I will now take another, and your Lordships must remember I am not picking out cases to suit my argument, I am taking typical cases, mentioned by typical witnesses, men of authority or who ought to be of authority. I will take a case mentioned by Professor Baldwin. I have had some correspondence with that gentleman, and I believe him to be a thoroughly honest man. I do not, however, think he is a very clear-headed man, if he will allow me to say so. I do not think he investigates his facts very thoroughly; but I believe him to be an honest man. In the course of his evidence given before the Commission he said, almost in a tone of triumph—"If the Commission wants to see what is done by the cruel landlords in Ireland, I advise them to send for the agent of the property on the Island of Arranmore, in County Donegal." This statement made a great impression on my mind. I thought such a man would never give such evidence without having been on the spot. However, the Commission took his advice; they sent down a special Commissioner, and who do you think was the first witness that that Commissioner examined? Why, the agent referred to, who turned out to be a money-lender and meal-dealer in the town of Donegal. This man confessed that he lent money to the people at 10 per cent interest, and he also confessed that he sold meal to the people at 2*s*. above the ordinary price, and then he adds, with truly Irish vagueness, and "sometimes more." How much more we do not know, but I should not wonder if he charges some 20 per cent to poor people for their meal. I would ask your Lordships to look at the animus of a witness of this kind. The people are all largely in his debt, for he charges them 10, 15, or 20 per cent for the loans he has made to them; and he very naturally thinks that all the produce of the soil ought to go to pay his interest, and none of it to pay the 2 or 3 per cent which might not unreasonably be expected by the landlord. He gives evidence about the dearness of rent; but then, with that truly Irish character, which, I may say, is often extremely open and honest, he proceeds to make a most extraordinary admission. It appears that he was not only a money-lender or meal-dealer, but that he also did a little at the trade of farming, and it comes out in his evidence—and he did not seem to be in the slightest degree conscious that he contradicts in this any other part of his evidence—that he had bought from one of these terribly high-rented tenants a grazing at 25 years' purchase, after which he goes on to say, almost in the same breath, that the tenants are so very highly rented that he would not take their farms, although they were given him for nothing. That is the first witness examined by the special Commissioner to Arranmore, and then comes the priest. Now, I understand this priest, Priest Walker, was a smart, respectable man, and I believe that he, like Professor Baldwin, would not say anything that he did not believe to be true; but he had not been long in his present position, and as the Land League has been in active operation for a long time, and the priests are, rightly or wrongly, supposed to be under its influence, it was not matter for wonder that this particular priest should bring forward the most elaborate statistics to prove that the grossest cruelties had been committed upon the tenants of Arranmore. Every item of accusation was minutely accumulated against the proprietor of Arranmore, so circumstantially that unless I had closely inquired into it I should have taken it as a matter of fact. But the moment that the rebutting evidence came out, I saw at once what complete humbug the whole story was. The trustee for the proprietor is the Common Serjeant of London (Sir Thomas Charley), and he gives statistics to show that every one material statement made is a falsehood. I have seen Sir Thomas Charley, and he tells me that the books of the property are open to anyone. The truth is, the people were starving at the time of the Famine, and that Sir Thomas Charley emigrated a great many of the people at their own wish, and that the tenants who remained were getting on very well in their diminished numbers. These are but typical cases. I now come to the next head of the grievances alleged, and to which I have to call the attention of your Lordships. The first of these grievances was oppressive rents; the next is frequent and uncertain increments of rent. There is no accusation more commonly brought against Irish landlords at the present day in the Press, and especially in the Irish Press, than that of frequent and uncertain increments of rent. In this connection I must say that, in my view, nothing can be conceived more mischievous to everybody concerned than increments such as I have described. There can be no security when there are frequent and uncertain increments of rent. This practice of frequent and uncertain increments is certainly not an English custom or an English practice, but is essentially an Irish idea, and one which was invariably practised among the old Irish proprietors of land. Anyone who examines the matter must come to the inevitable conclusion that the landlord who raises his rents at frequent intervals and unknown to his tenants in any part of the Three Kingdoms is doing that which is incompatible with civilization and the progress of the country as regards agriculture. What is the truth? I am sorry to say I am obliged to quote one who was very lately a Colleague of my own as regards the allegations that are made upon this subject. The right hon. Gentleman the President of the Board of Trade (Mr. Chamberlain) went over to Birmingham the other day and made a very able speech—a speech with the great part of it on other subjects I was entirely able to agree. But I cannot concur in that part of what Mr. Chamberlain said which had reference to Ireland. In regard to Ireland, he said this—he said that the failure of the Act of 1870, assuming that it had been a failure, was due, in the first place, to the action of this House; and in regard to this, I suppose, we shall have some future debate, and I have simply now, therefore, to say that if I could attribute the failure of the Act to the action of the House, as one of its authors and supporters, I should be very glad to do it; but my conscience does not permit me, because I am not able to trace the connection between its failure and any single one of the Amendments that came from your Lordships. Mr. Chamberlain said, further on in his speech, it was also partly due to the action of some landlords unnecessarily endeavouring to escape from the conditions of the Act, and who also had by slow degrees raised the rents of their tenants until the burden became too great to be borne. This is an important statement, coming as it does from a Minister, a high Minister of the Crown, a Cabinet Minister, and I must say I have ransacked the Blue Book to find evidence for it, and I cannot find it. There was one case which was brought before me when I was a Member of the Government, the case of Lord Arran. Like every other case I have mentioned, it made a great impression upon my mind at the time. Once it was distinctly and circumstantially stated by Professor Baldwin that Lord Arran had raised his rents at very close and frequent intervals. He said he had in his possession receipts to tenants showing rises of rent within a very few years to an extent that was really grievous and oppressive. But what are the facts? As that statement came from Professor Baldwin, and related to an Irish Peer, who might at any time be a Member of this House, I never for a moment doubted that there was at least some foundation for the story; but now the rebutting evidence has come out. Lord Arran succeeded to the estate in 1837. For 20 years he never raised his rents a single 6*d*., these rents being no less than 39 per cent below Griffith's valuation. In 1857 prosperous times arrived, and Lord Arran thought the time had also arrived when he might in all fairness have a re-valuation of his estate. He accordingly sent down to his property Messrs. Brassington and Gale—who were among the most eminent valuators in Ireland—with instructions to report to him, after a careful examination, what they thought would be a fair rent as between man and man. The valuators went down, and, as we may very well suppose, upon an estate which was 39 per cent below Griffith's valuation, and had never been altered for 20 years, they found due to Lord

Arran a considerable rise. Well, what happened to show how grossly perverted the facts were? I may say that Lord Arran determined, in order to be lenient with his tenants, and in order to give them time, that the rents should be raised, not at one step to their true value, but to do it by instalments, and it was receipts for some of these instalments that Professor Baldwin had seen. This is the true story as far as Lord Arran is concerned, and I ask your Lordships whether it is not a monstrous perversion of facts to say that in this case there has been a frequent and excessive increment of rents? I will take one other case. There was a man named Wynn, a very representative man, who made great accusations against the landlord, and who, in the notes he had sent to the Secretary of the Commission as to the evidence he was prepared to give—among them being a statement that on some estates there was a revision every 10 or 12 years—was questioned on this point. He said that some landlords would allow their rents to remain 20, 30, or 40, or even 50 years; but the others raised their rents every 10 years. When he was asked if he could give the name of any estate on which the rents had been raised every 10 years, he said—and this is truly Irish—it had been done once and threatened a second time on one estate that he knew, that of Sir J. Stewart, within the last 30 years. I now pass to another item. I want to know what confiscation there has been of improvements? Now, this is one of the most important of the accusations brought against the Irish landlords to which I ask your Lordships' attention. Your Lordships will see it made in every speech of the members of the Land League, and, I am sorry to say, in a great many speeches made by persons who are not members of the Land League, that the landlords are confiscating the tenants' improvements by basing increases of rent on such improvements. Now, I will say this—I have gone through this Blue Book, as I firmly believe no other Member of this House has gone through it, and I have not seen one single case in which dates are given by which you can judge whether the increment has been an unfair one upon the tenant's improvements. Let me explain what I mean. Professor Baldwin gives a case which is worth a score of arguments. He refers to a property, a hillside in the West of Ireland, the property of Colonel Pitt Kennedy, where, on a piece of wild moorland, not worth in its natural state 1*s.* an acre, Professor Baldwin saw on one side of a fence which divided two properties many thriving farms, and on the other side the original moorland. Now, what were the circumstances in which the change took place? Colonel Pitt Kennedy brought the people to the moorland, and said—"Cultivate and improve this moorland, and you shall have it the first seven years for next to nothing—1*s.* an acre. The eighth year you shall pay 2*s.* an acre; the 12th year 4*s.*, and so on. At the end of 20 years the rent reached 14*s.* an acre; the people were happy and contented, and the whole operation is praised by Professor Baldwin; yet the ultimate rent was 1,300 per cent above the original value of the land, and it was raised entirely on what is called the tenants' improvements. The landlord made no outlay, except £300 for a road. Now, was that or not a legitimate operation? Well, I say, and everybody knows, that it was a legitimate operation, and that it depends on this principle—the tenants work on the landlord's capital. After they have enjoyed, for a certain length of time, the fruits of his capital and their labour, the landlord is entitled to share in certain improvements of the soil. Now, you can never judge of cases in which the rent has been raised upon improvements until you have the following data:—The original value of the land, and the time the tenant has enjoyed it; the produce of the land during that time, and the profit the tenant has made. And unless you have these data, you may depend upon it the case is a fallacy. For accurate information of this kind I have searched in vain in the Blue Books and the various very remarkable pamphlets which I have received. There was one sent to me by a Member of Parliament, and there were others sent by gentlemen who have gone round Ireland, in which it was stated that, in some cases, the rent had been raised 4,000 times upon its original value. The "trick" of statement—I do not use the word in an invidious sense—is this—you compare the ultimate rent with the original value, which may show a difference of 4,000 per cent. I have myself improved land which, at the end of the second year, yielded 4,000 per cent on the original value; and then it sounds most monstrous and cruel when you say that the tenant's rent has been raised after he has done all these improvements himself. I was so annoyed at the vagueness of such statements that I put myself into communication with some of the authors of these pamphlets. I wrote them, and said—"Did you go to the places?" and I never found one who told me he had, or who had inquired into the truth of the cases they cited. I was reminded of the lines of Wordsworth on the invisible cuckoo—

> "To seek thee did I often roam,
> Among the woods and on the green;
> But thou wert still a hope of love,
> Still longed for, never seen."

But when such was the state of my mind, a great piece of good luck happened to me, and again I was reminded of the good luck of the cuckoo listener, as described by another poet—

> "Blessings on him! he came and stopped,
> And sang where I could hear and see."

Who do you think was the blessed cuckoo which came and stopped and sang that I could hear and see? It was my right hon. Friend the First Commissioner of Works, Mr. Shaw Lefevre. Mr. Shaw Lefevre went down the other day to Liverpool, and he made a long speech, and, as he always does, a very able speech, in favour, I am told, but I do not know, of the Government Land Bill. Now, I was very much struck with this speech, which gave me exactly what I wanted. I was hunting for a case, and Mr. Shaw Lefevre gave me one. I must read the language used by my right hon. Friend, because I must say I think it rather strong, especially as Mr. Shaw Lefevre is a well known authority on the subject. My right hon. Friend said, after one of those vague, generous, and candid insinuations, which are so common, that the majority of the Irish landlords had, on the whole, behaved well, but there was a large minority—the Prime Minister called them a small minority—but my right hon. Friend, not content with a small minority, says that was a large minority of a very different character, who were exacting and determined to screw the last farthing out of the tenant, wholly disregarding justice and humanity. I hear my noble Friend the Secretary of State for the Colonies (the Earl of Kimberley) whisper below me that it is perfectly true. I am glad to hear that he has got cases; and, if so, I hope he will bring them forward. I can assure the noble Earl the Secretary of State for the Colonies that I am on an honest quest. I want facts, and if he can bring me any of these facts I shall be much obliged to him. My right hon. Friend at Liverpool quoted a case, as given to the Commission by Professor Baldwin, of a poor man who hired three acres of bog land for 8*s.* a-year, and spent £45 on reclaiming it, besides his own labour. He enjoyed it for three years only, and then the landlord raised the rent to 22*s.* per acre; and the right hon. Gentleman said, if that was worked out, it would show that the increase of rent far more than appropriated the whole of the tenant's improvements. I was rejoiced at this. I saw in a moment, what Mr. Shaw Lefevre probably does not know, that the data even here is wanting. There are cases, not many, but not uncommon in Ireland, where, as is pointed out by the Commission, every three or four years' enjoyment of improvements will recoup the man in abundance for making them. It is curious to observe, in connection with this exceptional case, that the bog is a valuable material which you may sell for fuel or use for manure, and when you get to the bottom of the bog you very often get the very finest land. I have seen such crops upon reclaimed bog as I never saw on any other land. When Mr. Shaw Lefevre told the people of Liverpool this story, he said it showed how cruel the case was. I was determined to find out the case, so I wrote him a note asking him to give me a reference in the Blue Book to the case. The first thing my right hon. Friend did was candidly to state his memory failed him as to the authorship of the answer given to the Commission. It was not Professor Baldwin at all; but he referred me to the page in the Blue Book, and what was my astonishment to find that this case of a cruel and rapacious landlord, utterly regardless of justice and humanity, was Lord Londonderry, the proprietor of notoriously one of the most generously-managed estates in Ireland. That was pretty well, and it was very clear there must be some mistake here. That was the first thing I found;

but when I turned to the evidence, which was that of the tenant himself, the next thing I observed was this—that he had appealed to the Court twice against the rent, and the Court decided against him. Well, I must say, I think that when a Minister of the Crown quotes cases of this kind, inflaming the passions of the people of Ireland, and misleading the judgment of the people of England, he ought to be a little more careful with his facts. That was what I found on the face of the tenant's evidence. The right hon. Gentleman ought not to have contented himself even with that. He ought to have applied to Lord Londonderry's agent for his version of the matter; for an *ex parte* statement of this kind is not worth the paper it is written on. I applied to Lord Londonderry's agent, and he, going to the man and examining him, was able to show that the case was completely mythical. The Court not only twice rejected the tenant's appeal to have his rent reduced, but found him in costs, and Lord Londonderry spared him the costs, and continued the tenant in his farm. That is not even all this particular case—this case of cutting out a bog is exactly one of the cases I have mentioned to your Lordships, as a case in which the tenant himself confesses that he realized a large profit by removing the turf for manure to another part of his farm. He had also cropped his farm since 1864, and it was not true that a new valuation had been made at the end of four years. The landlord had, further, made a main drain through the farm without charging the tenant anything for it. The local agent went to the man, and he confessed that he had bought another piece of bog from a neighbouring tenant at a higher rent, and found it profitable. When asked why he did not tell all this to the Commissioners, his reply was, "Sure, and was I going to injure the cause?" So much for these charges of cruelty and rapacity against the landlords. I come now to a very important matter. I fear I am detaining your Lordships; but if I have strength I am determined to go through with this duty which I have undertaken. I come now to the important question of the evasion of the Ulster Custom. A more unfounded charge has never been made against the landlords of Ireland than that they are evading this Ulster Custom, and that the Act of 1870 has been found insufficient to protect the tenants. There is no charge which goes more against my own convictions than that, because there was no part of the Land Act of 1870 that I more heartily agreed to than I did to the legalizing of the Ulster Custom, because I thought that custom, properly so called, is a part of contract, and that where you have proof of a *bonâ fide* custom, it ought to be legalized, and the Judges ought to recognize it. My Lords, I have been most anxious to find out whether it is true that, under the Act of 1870, the Ulster Custom has been evaded, and I will call attention to a most extraordinary paragraph which appears in the Report about the Ulster Custom. It says that the remedy given to the tenant under the Ulster Custom was similar to that given in reference to any other custom; the tenant who was served with notice to quit was enabled to lodge a claim; but the claim would not justify a decree against the landlord if the tenant failed to prove that he had not been charged more than a fair rent. My Lords, I fail to follow the logic of that paragraph. The argument is this—The Act of 1870 authorized the legalizing of the Ulster Custom, and, therefore, it ought logically to have authorized fixity of tenure at a fair rent; but that was no part of the custom; consequently it did not legalize fixity of tenure; but it ought to have done so in Ireland, because in Ireland things that are equal to the same things are not equal to each other. That is the kind of logic that is to be found in the Report. But I come to something more important than logic. Another paragraph in the Report says that the large estates are generally considerately managed; but on some of the more recently acquired estates rents have been raised both before and since the Land Bill to an excessive degree, not only as compared with the valuation of the land, but are so high as to absorb the interest of the tenant. Again, it says that "the process has gone so far as to destroy the tenant's legitimate interest in his holding," and it adds "that in Ulster in some cases it has almost eaten up the tenant right." Now, that is a most important statement if it be true; and I looked immediately to the margin of the Report to find what evidence was given to support it. The names of seven witnesses are given—

and will the House believe it?—there is not a single one of them whose evidence justifies the statement. I should weary your Lordships and exhaust myself if I were to go through the evidence of these seven witnesses. I have gone through them all, and will give one or two as specimens. I take the evidence of Mr. M'Ilroy, the Secretary to one of the largest Tenant Right Associations in the North of Ireland. He is asked a question, and gives a haphazard answer, in which he says not that the tenant right is eaten up, but that that is the complaint of the people; but the remaining evidence which falsifies the statement is not given. For instance, he is asked—

> "Do you find that the average selling value of holdings has been smaller within the last 10 years?" and he replies—"No, not smaller.—Is that so during even the latter part of the 10 years?—No; prices are nothing smaller! The tenant right has increased in value during the last 10 years."

I ask, my Lords, is it fair to support this broad statement, that the tenant right has been eaten up by garbled statements from witnesses whose evidence disproves it? I have other cases here, with which I will not trouble your Lordships—they are all of the same character. Individual cases are quoted whose evidence is that they know of cases in which the tenant right has diminished in value; but, in several cases, the witnesses confess that the goodwill and the tenant right have increased in value—in one case, I think, to 40 years' purchase. There is one other branch of the subject to which I desire to refer, and it is to the accusations brought against those who purchased in the Encumbered Estates Court. Now, I must say that on this matter I do not think that the large landed proprietors are wholly free from blame. There has been a disposition to say—"On our estates everything is managed fairly; but many of those who bought in the Encumbered Estates Court are harsh and cruel men." That is the sort of candid admission which the supporters of the Land League make as to certain Irish landlords. But I confess, my Lords, I have not been able to trace to its source any one good authorized case against these purchasers. What happened was this. Many of the estates which were sold were held under old leases, and it was the regular habit of the Court to advertise that at the end of the leases there would be a rise of rent. There are no end of such cases. Men invested their money under that inducement, and at the end of the leases they did as they had a right to do—they raised the rent; and, as far as I can make out, that is the only foundation for the charge. My Lords, the Irish hate an improving landlord. When they find a man buying land for the purpose of improving it, for the purpose of applying industry and capital to it for his own interest and the well-being of his tenants, they hate him for the changes which it is almost his duty to institute. But I have not been able to identify any cases in which injustice has been done. I have traced out one or two of them with great care, and I have found them all to be not as their accusers would have your Lordships to believe they are. I was very glad to see that Judge Longfield, in a very interesting article he published some time ago, defended the proprietors who bought in his Court against such accusations. As those who, in the Middle Ages, purchased corn in time of panic—who were the great storekeepers of corn at critical periods—were exposed to the odium and hatred of the ignorant, so likewise those who wish to make the tenure of land a matter of real business are exposed to all the passions of a misguided mob. My Lords, I venture to say that there is no proof whatever throughout these pages that the Land Act of 1870 has failed in remedying any one of the grievances which we intended it to remedy. We hear no longer of notices of ejectment falling like snow-flakes on the tenantry in order to keep them in a state of perpetual bondage. We hear no longer of exorbitant rents being exacted in spite of the statute. We hear no longer, except in the language of demagogues, of constant increment of rent, keeping the people in hopeless poverty. We hear no longer of rents being raised so rapidly upon improvements as to forfeit the whole industry of the tenant. In all these matters the proof of the accusations utterly fail, as did the proof as to the eating up of the tenant right. But, my Lords, there are some consequences of the Act of 1870 which we did not foresee, and of which ample proof is given in these pages. I am afraid that, instead of the increment of rent eating up tenant right, we have established the converse—that the claims of tenant right are eating up every claim to any increment of rent. This is laid down as a maxim, that every 1*s.* on rent is a reduction of £20 on the tenant right. We used to hear on all sides that political economy does not run now. And what does this Report say? It says that—

> "The system of letting land according to market rates in Ireland is a system which never can prevail."

My Lords, that statement is absolutely without foundation. As given by the Commissioners, what they mean is this—that the landlords are not generally in the habit of exacting more than market rates. But the tenants charge the very highest market rates to the labouring classes who want land for their potatoes, and they claim the absolute right to the very highest price for their tenant right. There are instances in this Commission where these persons, in one breath, say—"There is only one way of valuing my interest, and that is that the landlord should pay what it will fetch in the open market; but in regard to the land I let to the labouring classes, the only way to test the value is that you must take it at my valuation." Now, there is another fact comes out in this Commission of which the Commissioners take no notice, and that is the monstrous, and I will say fraudulent, claims made under the Act of 1870 by the tenants claiming compensation for improvements. I will content myself with citing one case, in which an Irish tenant, who got a Scotchman to support him, claimed for five years' compensation the sum of £4,900. And what do you think the Court awarded him? £280. Cases of that kind could be given in abundance. Now, I thank the House for the great patience with which it has heard me. I can well conceive that the question may be asked me—What has been my object? My Lords, I have a very short answer of three words to give to that question. My object has been to ascertain and to vindicate the truth. I sometimes ask myself—Will the day ever come when that spirit will prevail in politics which prevails in science, when truth will be valued for its own sake? My Lords, the men of science have their own battles and their own passions. They contend keenly with each other for the honour of a discovery. They contend fiercely with each other on the interpretation of fact; but I have never known of men of science being silent and thereby giving support to a popular delusion, because it supported a favourite theory or nostrum of their own. And in politics, where facts are above all things valuable, when dealing with the passions and with the interests of men, is it not, above all things, important that we should ascertain facts, and speak them when we know them? My Lords, I am now done. I move for the Papers of which I have given Notice. I leave the facts which I have stated to the thoughtful consideration of this House, and I leave the slanders which I have refuted to the condemnation of all honourable men.

Moved that there be laid before this House,

I. Return showing the number of agricultural holdings in Ireland, and the tenure by which they are held by the occupiers, arranged as follows:—

1. Holdings valued under £5;
2. Holdings valued at £5 and under £10;
3. Holdings valued at £10 and under £15;
4. Holdings valued at £15 and under £20;
5. Holdings valued at £20 and under £25;
6. Holdings valued at £25 and under £30;
7. Holdings valued at £30 and under £35;
8. Holdings valued at £35 and under £40;
9. Holdings valued at £40 and under £50;
10. Holdings valued at £50 and under £100;
11. Holdings valued at £100 and upwards;

and showing in what counties they are situated respectively:

II. Return showing—

1. The total number of land claims decided by each county court judge in Ireland since the Act of 1870 came into operation;
2. The number of such decisions in each case in which the maximum compensation under the scale sanctioned by the Land Act was awarded by the court;
3. The number of such decisions which were abated on appeal by the Court of Appeal:

III. Return of the number of evictions from agricultural holdings in each county in Ireland for each year from 1871 to 1880 both inclusive; and showing how many of these evictions were for non-payment of rent:

IV. Return of the claims under the Land Act of 1870, made by tenants of agricultural holdings in respect of compensation for improvements in each county court in Ireland; showing the amount so claimed in each case, and the amount awarded by the court of first instance, and as altered on appeal.—(*The Duke of Argyll.*)

THE EARL OF BESSBOROUGH said, as Chairman of the Commission, he wished to make a few observations; but it was not his intention to speak of the

Land Bill, nor would he enter at length into an examination of the evidence which was in the Blue Book. Their Lordships must, however, see that the selection of a few cases by the noble Duke (the Duke of Argyll) was a fallacious manner of proceeding when considering the whole of them, with the view of arriving at a conclusion as to the real bearing of the whole case. He could not go into an analysis of that evidence, for that would take too much time; nor did he think it was his duty—and certainly it was not his inclination—to criticize or attack those men who came before them and tendered their evidence freely, and he might say in most cases fully believing in the truth of what they said when they spoke it. But as to the Report, he might say that it was the result of the honest convictions of those who signed it, founded, as they believed, on the testimony which had been given, and that it contained a very clear description of the various opinions on different sides in Ireland. He had been told during the last month that he was about to be worried by the noble Duke; and though the noble Duke had made his attack, he thought that the evidence taken before the Commission justified the Commissioners in coming to the conclusion which they had done in their Report. It was not a pleasant thing to have a worry hanging over one; but he thought that upon the whole he might thank the noble Duke for the way in which he had spoken of him personally, and for the way in which he had dealt with the Report. Quotations, to suit the purpose of the person quoting, had been made from the evidence and the Report; and as to the former, the great mass of the evidence given on the subject of the raising of rents might be entirely laid aside, and it had been laid aside by the Commissioners when framing their Report. The opinion of the Commissioners on the subject which he had named was based on the evidence of impartial witnesses. He might say at once that nothing astonished him more or gave him greater pleasure during the sitting of the Commission than the character of the men who now acted as agents in Ireland; and he had no hesitation in saying that if the same class of men had been agents in that country 20 or 30 years ago the present Irish Land Question would never have arisen. He wished to state to the House what was the mode of proceeding which the Commissioners adopted. At the time when the Commission was appointed, it had already been announced that the Land Question would be dealt with in the next Session. It was therefore evident that the Commission had a very short time in which to conduct the inquiry. They therefore proceeded with their work quickly, in order to enable the Government to have the evidence before them. But if they had had longer time, say two years, to prepare their Report, it would probably have been more satisfactory. The Commissioners, he contended, could not have gone about the country acting like Government valuators. Such a course would have been productive of mischief rather than good. He might tell the noble Duke that some inconvenience had arisen from the fact that many of the witnesses who came before the Commissioners were under the impression that the Commissioners had come to lower the rent, and could hardly be persuaded that the Commission had no power to do so. The Commissioners also experienced great difficulty in obtaining evidence on the part of those connected with the landlord interest, and a strong disinclination on the side of the tenants, and although witnesses had not been actually forbidden to come forward by the Land League, that organization had recommended that tenants should not offer themselves as witnesses. The Commissioners, nevertheless, invited both landlords and tenants, by advertisement, to come before them to give their evidence, and they issued a series of questions for examination of the witnesses, but not for leading questions to be put. The noble Duke had expressed his belief that the Commissioners did nothing but put words into the tenants' mouths. He could only tell the noble Duke that an examination before a Commission was a very different thing from an examination by a Court of Law. He had always found that Irish witnesses, if treated in a severe manner, were reticent, but if drawn gradually into conversation would tell their own story in their own way. That was the method he had adopted. No doubt there were a number of the witnesses whose stories were exaggerated. But there was often a real grievance behind. Nor because statements were exaggerated ought the evidence of witnesses to be totally rejected. In such cases the main part of the story was frequently true. Then there was a great deal of uncontradicted evidence. He did not intend to enter into the question as to how far the statements made in the Report and the conclusions drawn therein were justified by the evidence; but if the Commission had been of any use to the Government in preparing the Land Bill, it would be for them to justify it when they brought the Bill into that House; or now, if they thought proper. There was one point upon which he desired to make an explanation, and that was the publication of one-half the evidence before the rest. That was an unfortunate circumstance; but he did not see how the Commissioners were to blame. They issued the evidence as rapidly as they could, as it was required before the meeting of Parliament, and they had been pressed by individual Members of Parliament to furnish the results as soon as possible. But what he was surprised at was that the noble Duke had made up his mind before the evidence was published. [The Duke of ARGYLL dissented.] With respect to those witnesses who did not wish to give their names, the Commission said that the evidence would all go to the persons against whom charges were made, and that the value of the evidence would be greater if the names of the witnesses also appeared. It was strange that complaints with respect to the conduct of the inquiry should have reached the noble Duke only. As a general rule, if complaints were made of the proceedings of a Commission the Chairman heard something of them; but he had received only five letters, and three were full of complaints from persons for not being called as witnesses, and the others were on unimportant matters. The Secretary of the Commission said that he had received no complaints. It certainly was strange that it should be left to the noble Duke to find out that witnesses had been unfairly treated. They themselves had never heard one charge brought. The charge of the noble Duke amounted to this—that the Commissioners had presented to Her Majesty a prejudiced Report, and had cooked the evidence in order to back it up; but he (the Earl of Bessborough) thought that was a charge which did not require contradiction. The statement of the noble Duke that leading questions were asked in order that answers might be given in accordance with the preconceived notions of the Commissioners was most unjust and unfair. When such leading questions appeared in the evidence, it was always in consequence of previous expressions of opinion on the part of witnesses. Baron Dowse had been mentioned in the course of the speech to which their Lordships had just listened; and he must say that such statements as those of the noble Duke about that learned Judge were most unfair and unjust, and not calculated to encourage respect for authority in Ireland. There was not in existence a more honest or outspoken man than Baron Dowse, and he ought not to have been attacked in the way he had been. The noble Duke had also said that the Commissioners set out with a foregone conclusion. Well, he (the Earl of Bessborough) supposed everyone had his own ideas upon the Irish Question; and, of course, Baron Dowse had his views upon it; there was scarcely a woman in Ireland who had not her ideas on the subject. The noble Duke said the Commissioners started with the programme of the "three F's." That was not his (the Earl of Bessborough's) programme when he started; but he came to it when the weight of evidence forced him to do so. Nothing could be more unwise and unjust than the noble Duke's attack upon Baron Dowse. The noble Duke was a statesman and a politician. He (the Earl of Bessborough) was neither; but he would take heart to say that the course which the noble Duke had pursued that evening was neither statesmanlike nor politic.

THE MARQUESS OF WATERFORD: My Lords, after the very clear and able speech of the noble Duke opposite (the Duke of Argyll), in which he has dealt with the Report and evidence of Lord Bessborough's Commission, I do not think it will be necessary for me to enter into the different points which he has stated. I shall, therefore, limit my remarks to certain facts which have come under my notice with regard to that Report and evidence, and invite explanation from noble Lords opposite. At the time the Commission was appointed, the landlords of Ireland felt that the Commission was not likely to consider the question—to put it in the mildest way—with any bias in their favour; and when the Secretaries were named who were to take part in the inquiry, and their political opinions became known, that feeling was certainly not decreased. But, at the same time, the landlords came forward most willingly, and in large numbers, to throw all the light they possibly could upon the question, and the Irish Land Committee—a Committee to which I have the honour to belong—did all in their power to assist the Commission in collecting evidence on the subject. The public were told—in letter No. 4 of the Appendix to the Report—that if any charges were made against owners of land in Ireland, they would be informed of those charges, and have ample opportunity of either rebutting them, or explaining them away. The Commission was formed to inquire into the Act of 1870, and to report what changes, if any, were necessary in the Land Laws of Ireland; but, in my opinion, certain Members of the Commission acted as counsel for the prosecution, and cross-examined witnesses with a view to eliciting statements to coincide with their own preconceived opinions in favour of the "three F's." I gather this from reading the questions asked witnesses during the taking of the evidence, and also from information which I have received, from time to time, from gentlemen who were examined before the Commission, and who stated to me that the questions they were asked all tended in the same direction, and that when they volunteered any statement not bearing on the "three F's" they were courteously listened to, but not invited to continue their explanation. My Lords, although I believe several Members of the Commission started with foregone conclusions on certain points, I must not be understood as wishing to make a charge against any one of them, for I believe there is not one of them who would have knowingly allowed a mistake to be made in their published Report or evidence which would have been likely to lead the public to a wrong conclusion. But, my Lords, I believe mistakes did occur—mistakes which it is somewhat curious to observe tended but in one direction, and that against the landlords. Had there been any mistakes the other way I should have supposed them to be technical errors; but I have carefully searched through the whole of the books, and I cannot find any in the other direction. When we consider the enormous importance attached to the Report of this Commission, a Roport which has been so constantly referred to by the Prime Minister in his speeches upon the measure which is now before "another place," by other Members of the Government, and by the great Liberal Party, I think it most unfortunate that such mistakes should have occurred. On the 1st page of the Report, I find it mentioned that, after taking evidence at various places named during the months of September, October, and November, they also held a series of sittings in Dublin in December, to take evidence from those who had been unavoidably passed over in their journey, and also from several persons who, from published writings or personal reputation, appeared qualified to give valuable assistance. I was naturally anxious to read this evidence; but what was my astonishment on examining the third volume of the evidence to find that the 50th sitting closed on the 30th of November, and that the 51st sitting began on the 3rd of January. What has become of the evidence given in December? I cannot believe that it has been suppressed; and yet I cannot find it among the published evidence. I can only suppose that this is a gross error on the 1st page of the Report, and that no evidence was taken in December, which must lead the public to look upon the rest of the Report with suspicion. Another thing of which I have to complain is the sparsity of the rebutting evidence. My Lords, if you will examine the evidence published, you will find that on several occasions gentlemen were allowed to make charges against individuals without giving the names and addresses of persons so charged; thereby rendering it impossible that such charges could be answered. I consider that evidence of this sort is perfectly worthless. I have stated before that the Commission informed the public that they should have opportunities of rebutting the charges made against them, either by writing or by personal explanation, after the direct evidence had been taken. Many landlords waited to answer the charges until such time as the Commission could receive them personally. The direct evidence ended on November 30, and the Commission began to take the rebutting evidence on January 3. If the Report were to be a fair Report, it was necessary that the Commission should hear both sides of the question, and consider the answers to the charges, before they issued their Report; but what was the case? The Commission began to take the rebutting evidence on January 3, and I find that the Report was signed on January 4, thereby proving that the bulk of the rebutting evidence was never before the Commission at all when the Report was signed. But, in addition to this, certain landlords were never informed of the charges laid against them; and when this fact became known to the Land Committee, the Secretary wrote, asking whether the rebutting evidence would be published with the charges. He received an answer from Sir George Young stating that—"In many instances the Post Office had failed to find the gentlemen against whom charges had been made." The Secretary then wrote, asking for a list of those whom the Post Office had failed to find, as he believed that, with the powers at his disposal, he would be able to find many of them. He received an answer from Sir George Young stating that he was so occupied with the business of the Commission that he could not give the time himself, and had no staff available for the purpose. There were several other instances in which, owing to the names of the persons charged not having been given, the Commission were unable to communicate with them; and, therefore, many charges against landlords remain unanswered to this day. To show the character of the evidence, and in order to prove to your Lordships how very important it was that rebutting evidence should have been considered, and what wild statements were made, I will give, as a sample, what occurred to myself. A gentleman—by name Mr. Brown, a Presbyterian minister—came forward, with two other gentlemen, to give evidence in Londonderry, where I, at one time, had a large property. He stated that a certain townland of mine was occupied by three tenants—two of them were improving, and one was not. That, upon the lease falling out, the rents were raised to the amount of £7 10*s*. and £3 10*s*. respectively upon the improvements of the two improving tenants, and that the non-improving tenant was allowed to remain at the same rent. That, upon my property being sold, these two men had to buy their own improvements back at 30 years' purchase, in addition to paying 30 years' purchase on the old rent of the holding. I was very much astonished at this evidence, and I wrote to my agent to inquire into the matter. I received an answer from him, saying that the statement was utterly without foundation, that there were only two townlands upon my estate, previous to the sale, occupied by three tenants; that one was bought in block by a landlord, and that the other was the one upon which Mr. Brown resided, thereby proving that he must have known the circumstances of the case; that, instead of the rents having been raised, they were reduced. I will read you a return of what they were in 1854 and 1870:—M'Fetter, 1854, £30; 1870, £28. Rev. N. M. Brown, 1854, £37; 1870, £34 19*s*. J. Wilson, 1854, £9; 1870, £8 8*s*. This answer is published in the third volume of the evidence. My agent, on finding this, wrote to Mr. Brown asking what townland he referred to. He received an answer, which I have in my possession, that Mr. Brown believed the townland was Boola. Well, upon Boola there were seven tenants, and the statement was equally untrue about that townland; but Mr. Brown added that he did not remember giving the evidence, and he believed it must have been given by some other witness. I believe that your Lordships will find many answers of this description were given to charges made, and yet the Report was signed without taking the major part of them into consideration. Now, I have to point out another most serious mistake, which would be calculated to lead the public to a wrong conclusion. At the foot of each page of the Report are given the names, in print, of those agreeing with paragraphs contained in it, and in italics the names of those disagreeing. By glancing at these lists one would suppose that there were a very large number of persons agreeing, and very few disagreeing; but, on referring to the evidence, I find that though on page 4, paragraph 10 of the Report, which I take as a sample of many of the paragraphs, there are 24 names given in support of the statement that "nearly all improvements in Ireland are made by the tenant"—a statement reiterated in another place by the Chancellor of the Duchy of Lancaster—and not one, in italics, disagreeing with this paragraph, I can find 23 names of those who gave evidence directly against that paragraph—among them witnesses quite as important as any cited in favour of it; but the public would naturally believe, as all these names are placed in print in the Report, that the evidence was unanimous in support of this paragraph. But more than that, when I come to examine the evidence of those cited in favour of this paragraph, I find there are four gentlemen's names placed in the foot-note as supporting paragraph 10 who gave evidence directly against it. If your Lordships will allow me I will read shortly the evidence given by these gentlemen, who, it is distinctly stated, supported Paragraph 10, and who gave directly contrary evidence—

> "Question 27,158.—Mr. Leahy says, 'I find tenants' improvements generally are *nil*, except the reclamation of waste land.' Question 30,619.—Sir George Colthurst, 'There are some most glowing exceptions of tenants making improvements; but it is only one case in 20.' Mr. Rochfort Boyd, Questions 39,894-6, 'Tenants may sometimes make poor improvements; but permanent improvements are made by landlords' Question 26,908—Mr. Bence Jones, 'All improvements are made by himself, and large sums expended.'"

Your Lordships will be amused to hear that these four gentlemen are named as supporting the statement in paragraph 10, and that among them should have been selected Mr. Bence Jones. I could point out many other instances of the same thing, or something very like it, occurring through the foot-notes of the Report, and I say distinctly that this is a mistake tending to back up the paragraphs contained in the Report, which goes directly against the evidence, and against the interest of the landlords. Within the past fortnight another volume has been published, which is called an "Index;" but it should be called an "Index of Mistakes," for, instead of its throwing any light upon the question, I think it is even more complicated, and more one-sided, and contains, if possible, more mistakes than anything that has gone before. But all the mistakes still run in the same direction, and are calculated to mislead the public more than anything that has appeared in the preceding volumes. On page 55, under the heading "Raising of Rent," you will find a summary given of a number of charges made; but, on page 60, under the head of "Reply to Evidence," you will find merely the names, and no summary given of the replies to the charges made on page 55. But if you will examine the two statements, although certain charges were answered and refuted in the evidence, you will not find even the names under the heading of "Replies." Therefore, the public can read the summary of the charges; but if they wish to see the replies they must wade through miles of paper before they are able to find them. I will take three names, quoted on page 55, as a proof of rent raising; and though answers were given, their names do not appear upon page 60. Charges were made by Mr. Drew against Captain Caldwell, which were disproved by Mr. Townshend (App. C. 184); also by Mr. O'Connell against Lord Cork, which were rebutted by Mr. Leahy (App. C. 1); also by Mr. Shellington against the Duke of Manchester, rebutted by Mr. O'Brien (App. C. 25). In all these three cases, although a summary is given of the charges, the names even of these gentlemen do not appear under the head of "Replies," thereby leading the public to believe that these charges were not answered, although they were distinctly proved to be untrue. I merely take one paragraph or heading, in both this and my last statement, as an example; because I consider that I should weary your Lordships if I were to deal with them all; but you will find the same thing occurs repeatedly in the Report and Index. To prove to you how misleading the manner is in which the evidence was collected and placed before the public, I will take the speech of the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law), delivered on 28th of April in "another place." If he arrived at a wrong impression, what chance had the general public of arriving at a right one? He cited five instances of oppression by landlords, taken from the evidence before the Commission, and I was much struck by the cases which he cited; so much so, that I at once proceeded to inquire into them; but what did I find? That the right hon. and learned Gentleman must have taken his cases from the direct evidence, without referring to the rebutting evidence at all; for if he had done so, and made inquiries, he would have found that in two cases he cited, the landlords never had an opportunity of rebutting the charges, because they were never informed of them, and that the three others were either denied or explained away. If your Lordships will allow me, I will quote the cases named by the right hon. and learned Gentleman and the answers given, which I have verified by the kindness of the right hon. and learned Gentleman himself—

> "The first case.—Witness, John Cunningham (page 320): 'A tenant had his rent raised from £46 6*s.* to £60; his valuation was £38.' Answer.—'Name of landlord not given or asked for.' Second case.—Witness, Robert Adams (page 630): 'Tenant on Londonderry estate, holding 62 statute acres; valuation £40 10*s.* Rent raised from £38 to £59. Had reclaimed some land at £40 per acre; had three acres of cut out bog; spent £45 in reclaiming it; and the fourth year the agent put 22*s.* 6*d.* per annum on it.' Answer.—Thomas Colquhoun (local agent to Lord Londonderry).—'Never got intimation of evidence given by Adams, though on same day tendered myself for examination before Commission. Offer refused. Adam's statements are altogether misleading, if not utterly false.' Third case.—Witness, James M'Intyre (page 365): 'Bought and improved two holdings; spent £2,000; rent at purchase £43 15*s.*; present rent £74 1*s.* 7*d.* for not 50 acres. Never received one sixpence assistance.' Answer.—Durie Miller, agent to Irish Society (App. C. 365): 'Acreage of farm 68 acres; Irish Society spent £40,000 on making Derry Bridge toll free; M'Intyre lives three miles from bridge; has to go over it to get to Derry with all farm produce.' Fourth case.—Professor Baldwin, witness, (page 991): 'Never went west of Shannon, but heard of a certain landlord; he bought three townlands about 20 years ago in Connemara; his agent gave me rental of one townland when purchased, which was £62 10*s.*, and rental now £276 14*s.* He never spent a penny in improvement; he spent a little money in building a shop in village.' Answer.—Mr. Leonard.—'Townland of Carna contains 1,000 acres. At time of purchase was held by three tenants, since which time a village has been established, a fishery opened, and a house built, which lets with it for £75 a-year; cost Mr. Leonard £1,100; about 30 tenants now on the estate. It is false for Mr. Baldwin to say he had rental from his agent, as Mr. Leonard never had one.' Fifth case.—Witness, Professor Baldwin (page 982): 'On Lord Arran's estate there is a constant nibbling at rents, and 25 per cent is put on every time there is a change of tenancy. Sometimes 75 per cent, on three changes, in two years.' Answer.—Mr. Crean (page 1,348): 'It was only when tenants sold their holdings to strangers that 25 per cent was put on. There is no foundation for statement that 75 per cent was put on in two years. To my certain knowledge this never occurred.'"

This last piece of evidence was given on January 10, although the Report was signed on January 4. Well, my Lords, I have tried to lay before you a few facts as to the way the evidence was collected, and the Report and Index made out. I should like much to hear an explanation of mistakes which seem to have tended but in one direction, and which were calculated to mislead the public. I do not wish, as I have said, to say one word against any Member of the Commission, least of all against my noble Friend the noble Earl who was Chairman of the Commission (the Earl of Bessborough), for whom I have the greatest respect and regard; and I am quite certain that the mistakes I have pointed out will annoy him more than anybody else. But, at the same time, somebody is responsible, and I should like to know who that somebody is. Your Lordships will understand that if mistakes such as I have pointed out could occur under a Commission, such as the one we are discussing, composed of men of the highest position and honour, with what anxiety the landlords of Ireland are looking to the composition of a Commission which, under a Bill that I am informed will shortly come before your Lordships' House, will be the sole arbitrator of their fortunes, and from whom there will be no appeal.

VISCOUNT LIFFORD: My Lords, I shall confine my few remarks to the county in which I live, and to facts of which I am cognizant. I had intended to proceed with Professor Baldwin; but as the noble Duke (the Duke of Argyll) has proved that he was totally wrong in his evidence as to Lord Arran's estate, and he himself says that I am not so bad a landlord as Lord Arran, I shall dismiss him with a flat denial, merely stating that the Commissioners never gave me an opportunity of rebutting Professor Baldwin's evidence, and that the total increase of rents on my property on farms changing hands only amounted to £28 3*s.* in 20 years. And now I come to a matter so personal to myself and those dear to me that I bring it forward with the deepest unwillingness, and even disgust. I do so, because I know that your Lordships are ever ready to hear in self-defence a Member of your Lordships' House whose character may have been vilified; but also, and more particularly, because what I am about to read proves the extreme keenness and unscrupulousness of the Commission in their zeal to establish the "three F's," and especially their contempt for the ordinary rules of evidence. I will beg to refer your Lordships to the evidence of Mr. Doherty, a Roman Catholic priest, who lives about 14 miles from me, and whose only cause of malevolence to me is that I am Chairman of a Railway Company which is making a line between the town where the rev. gentleman officiates as priest and the nearest—and, in fact, only considerable—port in the North-West, by a route nearly one-half shorter than that advocated by the rev. gentleman. If my information is correct, the rev. gentleman's anonymous informer is a person so low in position and character that no one but the priest himself would have received his information. Your Lordships will find the evidence I am about to read on page 1,285 of the evidence, and my answer to the Commissioners on page 1,431. The evidence is as follows:—

"There is another landlord equally as bad—namely, Lord Lifford. I wrote to a party at Ballybofey, asking him for information about Lord Lifford, and I will read what he says on the subject. I will only say that I can place full reliance on my correspondent. He says—'A few years ago, since the passing of the Land Act of 1870, Lord Lifford served notices to quit on a large number of his wretched tenants, and on the back of each notice was a notification that, if the tenants agreed to a new rent set forth on the notice, he would not proceed to eviction. In several of the newspapers of the day the names and residences of 16 of these tenants were published, with the Poor Law valuation of each, and the rent claimed on the notice to quit. In some cases, the rent claimed was nearly four times the valuation; and on the total valuation of the 16, the total rent claimed was £100 per cent over the valuation. And it must be borne in mind, when comparing rental and Poor Law valuation in Donegal, that the valuation of that county is £25 per cent higher than in the rest of Ireland. These tenants refused to comply with this exorbitant demand, and were evicted. They then brought their land claims against his Lordship, who then cunningly sent his bailiff among the evicted, offering to allow them back on easier terms than he had before demanded, and ultimately the rents were arranged before the County Court Judge. Previously the tenants got 40 perches of free bog; but since they must pay 9*d.* per perch, like persons from other estates, thus saddling them with £1 10*s.* a-year more; and although there are thousands of acres of turbary on his wild property, he does not allow as much as a perch of free bog, even for the purpose of burning lime for their land. But that is not all. When his own tenants happen to have convenient banks of turbary, and outsiders wanting them, they are taken from the tenants and given to the others, and the tenants must go further away, and thus the humane Lord treats his serfs as the Americans treat the Red Indians. One of the standing rules of his estate is, that if any tenant fails to pay his rent on the gale day, 2*s.* in the pound is charged for the delinquency and added permanently to the rent—sharp practice, surely! Another rule is that whenever a change of tenancy takes place an increase of rent is put on, and even poor widows are not exempted from the operation of the rule. This is so well known that his younger sons were seen to dance with joy on hearing of the death of a tenant, and exclaim—'That will be an increase to Pa's rental'—a truly humanizing rule! Perhaps Lord Lifford will deny these things, as he tried to deny other things equally incontrovertible; but let him ask himself how often in a few years did he raise the rent of P. M'Gahran's farm, and when M'Gahran sold his farm about two or three years ago, and went with the purchaser to Lord Lifford's to have him received as tenant, did not his Lordship refuse unless he agreed to an increase of rent? The purchaser naturally drew back from the bargain, and poor M'Gahran had to accept a sum considerably less—Lord Lifford pocketing the balance in the shape of a yearly increase of rent—in his pocket. About the same time, another tenant named Bustard sold his farm in the same way, and when the purchaser would not agree to the increase, poor Bustard had to remain in his farm. Surely this Lord of Meen Glas is a noble specimen of an advocate of tenant right.'"

The rev. gentleman then went on to say—

"'Another item is, he charges where the rents are not paid punctually 2*s.* in the pound for delay, and on a change of farms he always puts an addition to the rent.'—Baron Dowse: 'Do you say that 10 per cent is put on where the rents are not punctually paid?'—'Yes.'—'So that if a man made 10 failures in the course of a few years there would be an increase of 100 per cent?'—'Oh, yes, and without the failure at all, 100 per cent addition is not unusual. I may mention that a man living in my house at present saw his father pay four guineas only for an entire townland, and it is now £32.'—Mr. Shaw: 'Within the memory of a living man?' 'Yes, the man is stopping in my house.'—'Was this under the same landlord?' 'No, there was a change of landlords; Mr. Johnstone was the first. It is now in the hands of the third landlord.'"

No wonder that Baron Dowse should have made the remark upon that evidence that "of course people have no security under such a system." I will not trouble your Lordships with reading my reply to this. It was, of course, a denial as emphatic as I could word it as to every statement in it. At the same time, I sent a protest to the noble Earl presiding over the Commission (the Earl of Bessborough) against anonymous evidence of such a character being received.

THE EARL OF BESSBOROUGH explained that he did not regard the evidence as anonymous, inasmuch as the rev. gentleman who read the letter stated that he could place the fullest reliance upon his correspondent, that he could speak to the facts it contained from his own knowledge, and that he repeated the statements it contained on his own responsibility.

VISCOUNT LIFFORD: He merely said, according to the report of the evidence, that he could place full reliance on his correspondent.

THE EARL OF BESSBOROUGH: I distinctly called his attention to it, and he said that he made the statement on his own responsibility.

LORD WAVENEY observed, that that was quite sufficient to make the letter evidence.

VISCOUNT LIFFORD: I must differ entirely from the noble Lord on that point. It may be sufficient for him, but it is not sufficient for me. I will only remind your Lordships that I have already stated that the total increase of rent on farms changing hands on my wild property has been in all £28 3*s*. in 20 years. I will only mention two points. First—Some 25 or 30 years ago a few of my tenants agreed to an increase of rent—5 per cent—if their rents were received yearly, instead of half-yearly. This is the sole ground for Baron Dowse's conclusion that if a man made 10 failures in paying rent he would be added 100 per cent. As to the man M'Gahran, his rent was only raised once, on his coming into his farm on the death of his father, to the amount of £2 2*s*., and on selling his farm he received £150 tenant right. Now, I will pray you to observe that the evidence reviewed as evidence by this Commission is not only hearsay evidence which is not usually admitted, but absolutely anonymous — a libellous letter, totally devoid of truth; an anonymous letter, as to which the Commissioners were totally unable to cross-examine the witness. But how was this received by that Member of the Commission versed in law and the practice of the Courts? Instead of pointing out to the other Commissioners that an anonymous letter, anonymous to the Commissioners themselves, was no evidence whatever, Baron Dowse jumps to the conclusion that all was true, and says that—Question 40,084—"Of course, the people have no security under such a system." The laws of evidence, the practice of justice, my character, which was known to Baron Dowse, and that of my family, are trampled on; but never mind, the case of the "three F's" is made out. *Fiat in justitia ruat cœlum.* I took a legal opinion as to an action for libel against this priest; but I was told that a jury, on such persons especially, would hold that he was protected by the Royal Commission; so that, as far as I am concerned, the printed evidence of this Commission is a mode of circulating anonymous libels, and protecting those who circulate them from the punishment they deserve. Was there ever a Royal Commission so prostituted? Now, I may ask, how is the reception of this mass of absolutely false evidence — how is this disregard of the ordinary rules of evidence—to be accounted for? The Commissioners were men of high character. Two of them, at least, were men of such known impartiality that their being on the Commission was a guarantee for its fairness; but your Lordships know what powers may be exercised in a Commission of this kind by the Secretaries, and I must needs say that when a gentleman so well known as a determined and avowed enemy of the landed interest as Sir George Young was appointed Secretary, it would have been but decent to appoint a man of some moderation as Assistant Secretary. But who was appointed? A Mr. Donnell, known as a bitter enemy of the landed interest in Ireland, who appears in the evidence in a double capacity—first, as Assistant Secretary, second, as another roving Commissioner in the county of Donegal. There he makes out a very severe case against a family possessing one of the largest properties in Ireland, but proverbial for their liberality to their tenants and the extreme lowness of their rents. I am unable to answer Mr. Donnell's *ex parte* evidence. Lord Conyngham is, I grieve to say, not in good health, and his agent has lately died. But this I will say—Some years ago, through the kindness of the late Lord Conyngham, I purchased a small property in Donegal from him. I had it valued as a matter of course, and the value put on it was double Lord Conyngham's rent. There is a moral to be drawn from all this, the necessity of our knowing in time who will be the Commissioners under the coming Land Act, and what will be their appointments? Unless they are men — I care not of which side of politics — of honour, ability, and known impartiality; unless those who may be appointed under them are men of such moderation as to be beyond suspicion that they will prefer their own peculiar views to their duty to the public, whether landlord or tenant, I trust your Lordships will be prepared to go so far as even to address the Crown for the protection of what remains of property in Ireland. We have come to that pass in Ireland that life is insecure, property diminished, character, which ought to be dearer than property or life, sometimes, as I have shown, taken away even under the shelter of a Royal Commission; and I fear that no man of property ought in future to live in Ireland unless he be one who cares nothing for Ireland, does nothing, hopes nothing.

Lord CARLINGFORD said, that it was not his intention, on the part of the Government, to attempt any defence of the Irish Land Commission as if the Commission were a Department of the Government. The Commission, from the first, was an utterly independent body, well able to take care of itself, and needed no defence at his hands. The few observations he had to make—and they would be fewer than they otherwise would have been, owing to the fact that the noble Duke who brought the matter forward (the Duke of Argyll) had been compelled to leave the House—would be directed to the general question. The object of the noble Duke and those who had followed him was evidently to cry down the value of the Report, and still more of the evidence brought before the Irish Land Commission from beginning to end, as if it was something not deserving their attention, something that was to have no weight with them in their future deliberations, and apparently as if it afforded no reasons whatever for any fresh legislation on the subject of Irish land. That being apparently the object of the Motion, and the speeches which had followed it, it was impossible for him to refrain from making some protest upon the subject. It appeared to him, in the first place, to be perfectly vain and futile to attempt to overthrow the effect of the vast body of evidence accumulated from all quarters and all classes in Ireland by the Irish Land Commission, by noble Lords in that House picking out particular cases here and there, cases which might happen to interest them individually, upon which the evidence might be inaccurate or unfounded, and then saying that these cases were examples of the whole, and that the evidence, therefore, was worth nothing. He preferred to look at the matter another way. It would be perfectly easy to pick out any number of cases on the other side. When the noble Duke was picking out a case here and there that suited his purpose, he (Lord Carlingford) thought of a case stronger than all of them that came before the Royal Commission on Agricultural Distress, where a series of leases were produced on their table which had been forced upon the same tenants during a few years, in each case with a rise of rent, and the unfortunate man had to submit to that treatment on the part of the landlord. He did not say that that was a usual case; but it was one of those cases that startled one, and made one understand that the practice of raising the rent by a certain number of landlords in Ireland, as stated over and over again by many of the most experienced men in Ireland, was enough to destroy all confidence in the minds of the Irish tenants, and to strike terror into, above all, the heart of the improving tenant. All this tended to show that some legislation on the subject was absolutely necessary. Let them consider what were the belief and the feelings of the Irish tenants, both in Ulster and other parts of Ireland, as to the practice of raising the rents. He thought there could be no doubt whatever, in the mind of anyone who had taken the trouble to look into the matter, that there was a belief on the part of a large number of improving tenants that they were in danger of having their rents raised upon their improvements, if they showed signs of being able to pay something more. He did not suppose the noble Duke would deny that the tenants entertained that fear. They might be mistaken; they might often be under such landlords that they could run no such risk whatever; but they said how long did they know that they would be under those landlords in a country where land changed hands so rapidly? and this feeling was producing deep disaffection among the tenants of Ireland, and was paralyzing their efforts. Was it to be supposed that these dangers were purely imaginary? The conviction was not confined to the tenants themselves, it was shared by men of all classes in Ireland, men of the greatest experience, and men who had no prejudice or interests in favour of the tenant classes. Quite the contrary, and he could give specimens from the Report of the Commission. One large landowner and land agent in the South of Ireland spoke of the raising of rent as being often done by small proprietors; another large land agent said that small owners screwed the land up fearfully. A landlord, who was examined, said that the improving tenants were liable to these increases of rent. Similar evidence was given by others, including several County Court Judges. Was it to be supposed that these gentlemen, acquainted with Irish life and Irish land, were entirely mistaken in those broad statements of fact within their own experience and observation? To set aside the evidence of the Commission because out of 40,000 questions and answers some might be objected to would be the most misleading and mischievous process they could adopt. What was the effect on the Commissioners themselves? Was there any disagreement? No, there was none at all. Both the English and the Irish Commissions were in practical agreement as to the facts connected with the raising of rents in Ireland. There might have been some difference as to the degree of importance attached to those facts; but as to their existing to such an extent as to demand the attention of Parliament there was no doubt. He would remind their Lordships of the constitution of this Commission. He did not think Baron Dowse and Mr. Shaw were men of revolutionary tendencies; but the other three Commissioners were themselves large landed proprietors, of different schools and tendencies in politics, with a sufficient amount of the landlord spirit in their minds. Mr. Kavanagh himself treated many of the personal complaints of the tenants with very little indulgence indeed, with almost as little as the noble Duke himself. Nevertheless, that did not affect the general conclusion that he had drawn from the whole body of the evidence. He said, in his own Report, that—

> "A sufficient number of cases of the unjust raising of rent have been proved to show that the Land Act is not a sufficient protection against the exercise of the power."

Since then, in a remarkable letter published in the Press, which did credit to his ability and his candour, he said—

> "I must frankly confess that when I entered on the work of the Commission I did not believe that there was any valid ground for the discontent which has been, and is so rife. . . . However, as the inquiry proceeded, I found there was. . . . I could see an element of hope in the fact that all this discontent was not the fruit only of political agitation."

That was the opinion of an Irish Conservative landlord of the facts which had been laid before him as to the raising of rents, and which led him to believe that legislation was required for the protection of the tenant. The Irish Land Commission was not the only inquiry that had been conducted during the last year upon this subject. He (Lord Carlingford) had the honour of serving upon the Royal Commission on Agricultural Distress, which had taken a very large body of Irish evidence, and most important evidence; and his strong impression from that evidence was that there was a vast amount of agreement as to the facts. They had the advantage in their inquiries of Assistant Commissioners, one of whom was Mr. Baldwin, who was undoubtedly a gentleman of extraordinary knowledge of Irish agriculture, and of the Irish farmer, and who was not alone, but was associated with an experienced Irish land agent. The statements that these two gentlemen together made on the matter of raising rent fully confirmed the general conclusions which were drawn by the other Commissioners. He was surprised to hear it made matter of complaint that the Land Commission had reported that permanent improvements were in Ireland generally the work of the tenant. He really thought that was a question that had been settled long ago, and that no one who knew anything about Ireland doubted it for a moment. If they went back to the Devon Commission of 40 years ago, they would find that they reported that it was then admitted on all hands that the dwelling-houses and the farm buildings were erected by the tenant, and that where the landlords did so was the exception. That was still the case; but he (Lord Carlingford) made no charge against the Irish landlords on that score; it was only a question of facts, and he did not complain of Irish landlords not having tried to introduce the English system on their estates. It would be impossible to introduce the English system in Ireland, and if it were possible it would be folly to do so. The facts which had been elicited by both Commissions proved that in the present system of land tenure there was a want of security which was productive of constant discontent and paralyzed the efforts of the tenants; and the only question, therefore, was whether the facts admitted were sufficiently extensive and important to demand the attention of Parliament. Now, this was at the root of the whole Irish Question, and he believed this view was supported by the Report of the two last Commissions.

THE DUKE OF RICHMOND AND GORDON hoped the noble Lord opposite (Lord Carlingford) would excuse him for saying he felt bound to explain that he did not share the conclusions which the noble Lord had arrived at, so far as he (the Duke of Richmond and Gordon) himself and the Commission over which he had had the honour to preside were concerned.

LORD CARLINGFORD said, that he admitted that different degrees of importance might have been attached by different Members to the facts in question; but unless the majority of the Commission meant to say that facts existed which demanded legislation, he was unable to attach any meaning to that portion of their Report. In those facts the whole of the Irish Land Question lay. Ireland was a nation composed mostly of small farmers who invested their outlay in the cultivation of the soil, and the problem to be solved by the Legislature was how to devise and adapt to that country a system of land tenure which had been the growth of another country—a system which had been the product of circumstances, conditions, and interests totally different from those which existed in Ireland. They had never attempted to solve that problem or adapt those laws until 10 years ago, and then only, as it proved, to a limited extent. Their task was now to solve it entirely. He believed that the legislation which was now being undertaken was necessary, in justice and in policy. He had great admiration for the eloquence of the noble Duke (the Duke of Argyll); but he trusted that on this occasion he should fail by its exercise to induce their Lordships to approach the great question which would soon be before them from his point of view.

LORD WAVENEY, who was very imperfectly heard, defended the accuracy of the statements in the Report of the Bessborough Commission, especially when it spoke of the general rise in the rent, and said, for that very reason, it was right that the tenant right should be extended. The reverse would be a very terrible condition of affairs. He thought that, after all, their Lordships had reason to be exceedingly grateful to the noble Duke (the Duke of Argyll) for having introduced the subject they were now debating. It was a matter which should be considered apart from political strife. The Government of the day were engaged in a great and important work—that of re-modelling the chief institution of the people of Ireland by consolidating its system of land tenure. That meant dealing with the social life of a whole people, and he trusted that their Lordships would lend their aid in accomplishing so desirable a result, and that they would be able to carry that work to a satisfactory conclusion. He would venture to assure his noble Friend (Viscount Lifford), who had stated that stringent legislation would have the effect of driving the landlords out of Ireland, that such would not be the case. It would be wrong, in any circumstances, for the Irish landlords to abandon their country; and he (Lord Waveney) hoped that their Lordships would feel, as many of them were proprietors of land in that country, that their place was in the front rank of those anxious for the good of the country. With that feeling, whatever happened, he believed that those who claimed to be the leaders of their tenantry and the holders of great properties would still be found in their proper places among the people. He had himself long lived in a district in which tenant right had prevailed for centuries. There the tenant got his share and the landlord his, and the former knew that he was in possession of a well-secured tenant right. When the rent was raised on account of the increased value of the holding, the tenant right was raised in the same proportion. The great Famine of 1846-7 seriously affected the Ulster tenantry, though in a lesser degree than it did other parts of Ireland. So greatly were their charges increased, by the competition for land, that they seriously apprehended that their tenant right would be frittered away. Such, however, happily was not the case; but this he knew, that when the Irish Land Act of 1870 passed, one of its effects was very seriously to depreciate the tenant right. He confessed he was one of those who thought that Act was passed too hastily, and that it ought to have been revised. Had it been more patiently considered, he believed it would have been modified; but the country was impatient, and one of the consequences was that a large number of purchases were made on Parliamentary title in order to obtain a mercantile return for the purchase money. Under those circumstances, the tenant right, being a fixed quantity, was necessarily diminished, and from that circumstance the deterioration of tenant right first arose. They were now told that it was their duty to assimilate the land tenure of one set of counties with the habits and customs of another set of counties with which it was not congenial, and that, he feared, would be a very difficult task. He was of opinion that the general adoption of the Ulster Custom would be of great advantage to Ireland, and that they ought to try and assimilate the law and practice of Ireland in respect to land tenure to that of England. The tenant right of Ulster was virtually a copyhold, and the administration of it by the Judges of the Land Courts had been similar to that which would be found in the old law books in reference to the administration of the Law of Copyhold. He hoped their Lordships would guard against forming an opinion that the landlords of Ireland had any other wish in reference to this subject than that a pure and equitable Land Code for Ireland might be framed. Speaking for those on the Liberal side, he said that all they advocated was the adoption of a fair and generous measure, which would give to the tenantry all the protection they required, and, at the same time, would conserve the just rights of the landlords. The question of tenant right and other matters would, no doubt, be seriously discussed when the Land Bill came up from the other House; and he trusted that their Lordships, in considering that measure, would deal with it in accordance with the great principles underlying it, that they would not attempt to seek refuge in legal complications, but that they would proceed upon the great principles of justice, judgment, and mercy.

THE EARL OF DONOUGHMORE said, he should like to know how a responsible body such as this Commission was could have issued such a Report, or how another responsible body, the Government, could have founded legislation upon it. Any person attentively reading it would find that he was insensibly led up to the idea of proprietary right, for it gradually developed the doctrine of the tenant's proprietary right, though it really contained no evidence which could justify the creation of such an interest. As regarded improvements on land in Ireland, it could not, with any certainty, be assumed that they were all made by the tenants; on the contrary, he believed the figures would show that more than one-half of the improvements in that country were made by landlords and tenants conjointly; and that was the only proper way in which such operations could be effected.

THE MARQUESS OF LANSDOWNE said, he wished, as an Irish landlord, to express his thanks to the noble Duke (the Duke of Argyll) for the manner in which he had discharged the difficult and embarrassing duty which he had undertaken. His speech was the complement of the acquittal pronounced "elsewhere" by the First Lord of the Treasury, who had stated that the landlords of Ireland had been put upon their trial, and had, on the whole, been acquitted of the charges brought against them — an acquittal which would certainly have sounded more agreeable in their ears if, immediately after pronouncing it, their Judge had not proceeded to pass upon them the heaviest sentence which the law permitted. He could not help thinking that the noble Earl behind him (the Earl of Bessborough) and his Colleagues had incurred a very serious responsibility by collecting and disseminating a great number of *ex parte* statements and much untrustworthy evidence, and founding upon this testimony recommendations of a violent and extraordinary character. While saying that he wished it to be clearly understood, as a matter of course, that he did not impute any want of good faith to the Commissioners. He believed, on the contrary, that they had had immense difficulties to contend with—difficulties which were not of their own creation. He did not think any Royal Commission had ever been appointed under circumstances so extraordinary. Another Commission—numbering among its members several Gentlemen eminently qualified to investigate the agricultural system of Ireland—was already in existence, and had taken a large amount of Irish evidence. The removal of the inquiry from the Commission presided over by the noble Duke opposite (the Duke of Richmond) to the specially-appointed Bessborough Commission undoubtedly gave rise to an impression that the Commission of the noble Earl was appointed for the purpose of getting up a case against the landlords and the Land Act of 1870, and it consequently became the receptacle of an amount of idle gossip and vague statements such as had never before been admitted into a Blue Book. The next difficulty the Commissioners had to face was the shortness of the period in which they had to complete their labours. In three months during which the Commissioners travelled over the whole country they had no less than 51 sittings, and the witnesses examined before it amounted in number to about 700. The Devon Commission, he might remind their Lordships, sat for 15 months. He ventured to think that during those three months there could be little doubt that the Bessborough Commission proceeded at a pace which was incompatible with a thorough investigation of the facts placed before it. How was it possible for its Members to sift evidence collected under such circumstances? He contended that no Court of Law would have acted on such undigested evidence as that upon which the Commission had affirmed the failure of the Land Act, and the necessity of a revolution in the existing system of land tenure. It had been said that an opportunity was given to persons who had been subjected to injurious accusations to rebut the allegations made against them. This was true; but the opportunity came too late. The mischief had been done. The Report containing the charges against the landlords was presented to Parliament on January 24, and Vol. II., in which was published a vast quantity of declamatory evidence, on February 11; but it was not till April 4, or three days before the introduction of the Land Bill, that the rebutting evidence in Vol. III. was presented. He would like to know when the rebutters of those calumnies were received. It was a remarkable circumstance that none of them had dates attached. Now, it was quite possible that some of the authors had omitted to date the papers which they sent in; but it was not very probable that the whole 380 had done so. The public was placed at a great disadvantage by the omission of these dates; because, without them, it was impossible to determine whether the Commissioners had prepared their Report with or without a knowledge of the rebutting evidence, and whether the Government—to whom, as they had been told by the noble Duke, the evidence was sent over from day to day—were aware of the contents of these Papers when they were framing the Bill now under discussion in "another place." He would say a few words with regard to the allegation that the Land Act had failed to afford the tenant a sufficient protection against repeated and inequitable increases of rent. In the first place, he would state his conviction that it would be found that while the prices of agricultural produce had risen with great rapidity during the last 20 or 30 years, and while the prices paid for tenant right had also risen with great rapidity, the rents over a great part of the country had remained almost stationary, or had, at all events, not undergone anything approaching a commensurate increase. But the Commissioners and the noble Lord below him (Lord Carlingford) grounded themselves upon the statements of these witnesses that the landlords had eaten up the tenants' interest by increases of rent. The noble Duke had, however, examined with the greatest minuteness the statements upon which the Commission relied, and had shown that whenever the witnesses ventured to depart from vague and general assertion, and to specify particular instances in which this abuse of the landlord's right had taken place, their evidence as to the facts was disputed and disproved.

What was the answer of the Chairman of the Commission (the Earl of Bessborough), and of the noble Lord who supported him (Lord Carlingford)? They answered that it was very well for the noble Duke to single out from the mass of the evidence a few selected cases, and to found his argument upon them. He (the Marquess of Lansdowne) would, however, remind the House that it was not the noble Duke who had selected the cases, but the Commissioners themselves; and that it was fair to assume that they would not have made that selection and quoted those instances of alleged hardship in the body of their Report, if they had not believed that those cases were the strongest which they were able to discover—it was these cases thus selected that the noble Duke had demolished one by one. He had done so, and he had challenged the noble Earl to produce a single case in which he was able to substantiate his own assertions, and the challenge had not been accepted. Five hundred tenant farmers had been examined before the Commission, and their evidence was met by some 400 statements in reply. The whole case for the prosecution upon this particular count had completely broken down. It was further alleged by the Commissioners that the landlords had, in many cases, chosen the moment when the tenancy was about to change hands in order to exact an increase of rent. No attempt, however, was made to prove that the rent demanded from the in-comer was an unfair rent, and it was obvious that the whole question turned upon this. He would quote, in regard to this point, a very high authority, which justified the landlords in the course which it was alleged they had adopted. In the pamphlet which the noble Duke had referred to, the Prime Minister was represented as having used the following language upon this point:—

> "I therefore hold, and we have framed the Bill on that principle, that to recognize duly the power of the landlord or the Court to raise the rent is the due and just means of preventing the tenant right, which we think to be the just right of the tenant, from passing into extravagance, and from trespassing upon what is the just right of others."—[3 *Hansard*, cclx. 904.]

That was the remedy suggested by the Prime Minister. How, then, did the question stand? First, there was the admission of the Commissioners that rents in Ireland were generally low. Next, the fact testified to throughout the evidence, that the farmers were ready to pay extravagant prices for the tenant right. Thirdly, the advice of the Prime Minister to counteract that tendency to extravagance by raising the rent. Fourthly, there was the fact that the noble Earl based his condemnation of the Irish landlords on their adoption of that very course. It was upon that slender basis that the Royal Commission had founded the whole superstructure of their argument and their conclusion—that the whole system of Irish land tenure was to be revolutionized in order to guard tenants against increase of rent and against arbitrary disturbances by the landlords. But he would not discuss the recommendations of the Commission then, as he should have an opportunity of doing so when the Bill reached their Lordships. He did not agree that the Land Act of 1870 had been a failure. He had always regarded it as a just and generous measure. It had, no doubt, disappointed the expectations which had been formed of it, and it was not matter for surprise that it should have done so. The object of its framers had been to check capricious evictions, and to secure the tenants against the confiscation of their improvements. Experience had, however, established the conclusion that capricious evictions were virtually unknown in Ireland, and that, on the other hand, owing to the miserably backward condition of Irish agriculture, the so-called improvements often turned out to be either valueless or, at all events, worth infinitely less than the amounts claimed in consideration of them. He owned that he was filled with alarm when he found proposals submitted to the public with apparently the object of gratifying the unreasonable expectations formed by the peasants of Ireland; and he warned their Lordships that those expectations would continue to rise with every fresh concession that might be made to them. It was impossible to read the evidence without observing the progressive character of the demands thus preferred. The growth of opinion in this direction was frankly described by one of the witnesses, whose evidence the Commissioners had thought worthy of special quotation—Mr. William Bolster, ex-President of the Limerick, Clare, and Tipperary Farmers' Club, who said—

> "I think it would be a wise thing for the landlords to settle the Land Question, for I find every year it becomes worse. When I first became President of the Farmers' Club, I think before we had Mr. Butt in Limerick, our idea was a 31 years' lease—that is 16 years ago. We crept from that to a 61 years' lease. Then Mr. Butt came in, and it was the 'three F's,' and we forgot these two things, which we thought at one time would be satisfactory, and now we believe we must sweep the landlords away altogether; and I believe really that if the question is not settled soon I do not know where it will end."

He thought that those words might appropriately be printed on the back of the volumes of the evidence taken before the Commission.

LORD STANLEY OF ALDERLEY said, that the Lord Privy Seal had made an important admission in stating that the constant changes of landlords in Ireland by sale and purchase had caused fear and uncertainty to tenants; and such sales and purchases, which were so much desired by some of his Colleagues, would have the same bad effect in England. Nothing that had been said that evening went to disprove what the noble Duke (the Duke of Argyll) had urged as to the want of logic and general want of value attaching to the evidence taken before and the Report of the Royal Commission. The best explanation the noble Earl (the Earl of Bessborough) had given was his statement that he had been a Chairman of a bad company, by which he supposed he meant a financially unsound company, and that he had not emancipated himself from the style of Chairman of such companies, who had to do without facts. There was another hypothesis, and that was that not only did the Report embody foregone conclusions, but that it might have been written some months before it was signed. That body had placed before Parliament one-sided evidence and a Report which could not be followed, as the rebutting evidence which was offered to the Commission was not considered by them at all.

THE EARL OF LIMERICK desired, in personal explanation, and as an example of the mistakes that had been made, to say that he had received a letter from Sir George Young, the Secretary to the Commission, who had pressed him to make a statement to the House. Sir George Young had said that he sent him (the Earl of Limerick) proofs of his evidence given before the Royal Commission, so that the evidence as printed was corrected by himself. That, however, was a mistake, as he had not received a proof; and the evidence, therefore, was not corrected and revised by himself, as stated by Sir George Young.

THE MARQUESS OF SALISBURY: My Lords, I had indulged in the hope that we should have heard from the Government some kind of reply to the powerful statement of the noble Marquess who sits behind me (the Marquess of Waterford), respecting the Report of the Commission; but they seem to be endowed with a considerable amount of philosophy, and do not care to answer speeches of that kind. The speech of the noble Lord the Lord Privy Seal (Lord Carlingford) explained to me to some extent why the Government did not care to continue the debate, because I thought that his answer to the overwhelming statements of the noble Duke (the Duke of Argyll) and the noble Marquess behind me, was, at the same time, one of the most ingenious, and one of the most desperate that I ever heard. He at once went away from all attempt to justify the Commission. He knew that that was hopeless, and so he turned to the discussion of the general principles which, if ever a certain Bill reaches this House, will, no doubt, be very much in place. But he hardly touched one of the points established by the noble Duke. The noble Lord, desperate in his facts, urged that it was proved to the satisfaction of everybody that the Irish tenants had had their rents unjustly raised in a great number of cases, and that the Irish tenant almost always made the improvements on the estate. These were interesting subjects of debate; but I do not think they were any answer to the criticisms passed upon the Commission. But even these points were proved, if the noble Lord will allow me to say so, in a somewhat Irish fashion. He hardly condescended to any definite evidence; but appealed to general rumour. The noble Marquess behind me took a very different view, as anybody who knows Ireland might expect he would do; and the only reply offered to him was that of the noble Lord the Lord Privy Seal, who said he was astonished at the statements of the noble Marquess; and that the thing was *res judicata.* Notwithstanding that it was *res judicata*, that opinion was shared by my noble Friend (the Earl of Donoughmore) and the noble Marquess who had spoken from behind the Government (the Marquess of Lansdowne). Then the Lord Privy Seal sought to establish his case by a bolder expedient, because he appealed to the Chairman of another Commission (the Duke of Richmond), who entirely repudiated his view of the matter. I cannot, therefore, congratulate the noble Lord on the success of his generalship; but, after all, those were not the matters which had been brought forward by the noble Duke opposite. The object of the noble Duke was to point out how utterly unworthy of trust was the Report that has been laid before the House. He wanted to establish, as he said, the truth of facts which had been mis-stated, and to repel slanders which had been published. In answer to the statements of the noble Duke, no kind of justification has been attempted. It has been shown that this Report, and the evidence it contains, have been dealt with and manipulated in a manner which we are not used to in respect to Commissions appointed by Her Majesty to inquire and report for the information of Parliament. It has been shown that the names of those who gave evidence on the other side have been misprinted again and again, in a manner and in such proportions as almost to exclude the possibility of mere accident or error. Nobody could read the questions put to the witnesses without coming to the conclusion that the accusation is entirely correct that the Commissioners went to their task with a foregone conclusion; that the examination by Baron Dowse was entirely the examination of a counsel for the prosecution. It is not merely the case, as has been alleged by the noble Earl (the Earl of Bessborough), of mere poor illiterate witnesses whom he thinks it is necessary to prepare for the answers that they are to give by leading questions which may draw them into fulness and frankness. Look at the examination of Lord Dufferin, Professor Baldwin, and witnesses of a very different stamp, and you will see that Baron Dowse's examination was that of a man who is utterly penetrated by one opinion, and desires to establish it by the witnesses whom he examines. But even graver charges have been established to-night—I do not mean charges of a personal character, as affecting the personal character of the Commissioners; but as affecting the value of the Report and the evidence before us. It has been shown that the Commission actually published a Report professing to be based on a vast mass of evidence—evidence which was mainly derived from one class and pointing in one direction, without accompanying it by the rebutting evidence of the persons whose conduct was impugned, and upon whose conduct turned the whole question whether the recommendations in the Report were justified and whether the legislation recommended was really expedient or not. They went entirely on the well-known principle of the Irish magistrate who always forebore to listen to more than one side of a question, because he found that it wholly confounded his mind to hear both sides. They listened to statements on one side, however violent and extreme; they sent out summonses asking for statements in rebuttal of them, without, however, waiting to receive the rebuttals before they formed their opinions and drew up and signed their Report. And that explains the curious circumstance that when the rebuttals came in, the dates of them, as the noble Marquess has shown, were carefully eliminated. Another fact has been brought to our notice in regard to this Commission, which is very remarkable, and on which it is almost impossible to speak in this House in the full and frank language which the case appears to require. It is almost incredible that a Commission composed of such men should have received an anonymous letter containing base and foul slander against a noble Lord, a Member of this House, and should have printed it without even requiring the name of the person from whom the slander emanated, and without taking an opportunity of making an inquiry or examination to find out the extent of the justification which might be brought for the statements that were made. What could have been the sense of duty which led the Commissioners to give circulation to such an atrocious document, and that without adopting the most ordinary precautions to test it, such as any person would adopt if he were told the story in respect to some personal acquaintance in private life? It is impossible to explain the conduct of the Commission in accepting that document as they did, except by the assumption that they were driven on by the irresistible force of a pre-possession, and that they, unconsciously to themselves, were acting as if their mission was to establish a certain principle, and to make certain recommendations for the guidance of the Government. This, however, is not merely a question of the two points raised by the noble Earl (the Earl of Bessborough) that evening. It is not a question merely of the trustworthiness or the untrustworthiness of the Commission. It involves matters far more important than that. The recommendations of the Commission go much farther. They give utterance to the most extravagant doctrines. They say, for example, that it is necessary at once to negative the idea that a fair rent means what in England would be considered a fair rent. In other words, they mean to say that what is a full and fair rent in England is not to be taken from the Irish tenant; that what in England means a fair rent is a rack-rent in Ireland; and that that fraction, whatever it is—one-third, or any other proportion—which makes the difference between the fair rent in England, and what the Irish tenant would give must be taken from the landlord and handed over to the tenant. Before such doctrines as those—and the Report is full of them—were given to the public they ought to have been supported by some evidence collected more carefully and with more circumspection and discretion than were shown by this Commission. We are told—we know not how correctly—that it is the project of the Government to hand over to some unknown Commission—known, I presume, to themselves—the settling of the income of every landlord and every tenant of every county in Ireland; and that they are to be charged with that duty without the indication of any principle by which they should be guided. If it should ever be the law of the land that such vast powers should be intrusted to any two or three individuals, at all events it becomes a matter of the first importance that the persons intrusted with such powers should not decide on the Report of, or on the principles laid down by, a Commission which entered on its task in the spirit, and performed it in the manner, which has actuated the Commission whose work we are now discussing. When I heard that such powers were to be given, and that no principle was to be laid down for their guidance, I confess I thought with dismay that one of the few authorized documents we possess, to which anyone could appeal for the definitions of what fair rent is, was a document which is full of wild revolutionary principles based upon mere gossip and indigested evidence, such as this I hold in my hand. It is of the first importance that your Lordships should thoroughly understand the character and value of the document, and not only understand it, but express your opinion upon it in terms so unmistakeable that no Court may hereafter be asked to rely on it, or appeal to it as an authority.

EARL GRANVILLE: My Lords, I do not rise to satisfy the complaint of the noble Marquess (the Marquess of Salisbury) by entering into a debate in which he seems to think it a matter of reproach that the Government have not joined. The Government have deliberately abstained from taking part in this debate. I think it would have been felt to be most inconvenient that we should join in it, having a great measure on the subject before the other House of Parliament, and great responsibility resting on us in regard to carrying it through. The noble Duke (the Duke of Argyll) carefully abstained from alluding to the Bill before the other House; but the noble Marquess, with that impetuous haste which so distinguishes him, could not resist going at once to attack a measure which he thought he could discuss and disparage before it came to your Lordships' House. My noble Friend (Lord Carlingford), who spoke not as a Member of the Government, but as a Member of one of the two Commissions that sat on this question, has been severely attacked by the noble Marquess for what he said; but it appears to me that what my noble Friend did say was just sufficient to prevent its being assumed that Her Majesty's Government at all agreed with the abuse and discredit thrown upon the Report of the Royal Commission. The noble Marquess attacked my noble Friend for bringing in the opinion of the English Commission on this subject. The obvious rejoinder of my noble Friend to the repudiation of the noble Duke (the

Duke of Richmond) was—"If it did not bear the interpretation I have put upon it, what on earth do the noble Duke and his Colleagues mean?" That the noble Marquess entirely refrained from telling us. The Report says that the improvements are generally the work of the tenants, who are liable to have their rents arbitrarily raised in consequence of the increased value given to the holdings by the expenditure of their own capital and labour, and that "the desire for legislative interference against the arbitrary increase of rent does not seem unnatural;" and the Report adds—

> "We are inclined to think that by the majority of landowners, legislation, if properly framed to accomplish that end, would not be objected to."

It is obvious that this Report was framed with the greatest possible caution. It is not a full and comprehensive Report, with recommendations on every point; but the Commissioners having inserted such a sentence as that, I am utterly at a loss to understand what it means, except that which is expressed by the interpretation put upon it by my noble Friend. I have only to protest against the raising now of a debate on the Land Bill; and I must say that I thought the language of the noble Marquess was most exaggerated and unfair to the noble Earl (the Earl of Bessborough) and his Colleagues, and I deeply regret the tone the noble Marquess has adopted, for it is not encouraging as regards the spirit with which he is prepared to receive a legislative measure which I cannot help thinking everyone must feel to be of the greatest importance.

THE DUKE OF RICHMOND AND GORDON contended that the course pursued by his noble Friend (the Marquess of Salisbury) was justified by references that had been made by the noble Duke (the Duke of Argyll) to necessary legislation, and referring to the general question, said, the Commission over which he had the honour to preside in no sense recommended legislation. There was not a word in the Report to that effect, and the Commission had been careful not to state anything in their Report that had not been proved in evidence. It was true that the Report contained the passage which the noble Earl (Earl Granville) had just quoted; but the Commission merely stated matters of fact founded in evidence, and made no distinct recommendations on the subject. The Commission was appointed to inquire into all the facts of the Irish Question, and it took evidence very freely upon that question. The noble Lord (Lord Carlingford) took a very much wider view in speaking of legislation, and he did not confine himself to the question of raising rents in consequence of improvements. What the Report of the Commission over which he (the Duke of Richmond and Gordon) had presided stated was, that where the tenant had made the improvements, it was not unreasonable that he should desire to have the benefit of them, or the value of them repaid him. That Report certainly did not recommend the adoption of the "three F's," although that of the Bessborough Commission did do so. In the Report of his (the Duke of Richmond and Gordon's) Commission, the Commissioners merely stated, in a carefully-drawn paragraph, that—

> "With the view of affording such security, fair rents, fixity of tenure, and free sale—popularly known as the 'three F's'—have been strongly advocated by many witnesses; but none have been able to support these propositions in their integrity, without inflicting consequences that would, in our opinion, involve an injustice to the landlords."

The Commissioners recommended nothing—they merely stated what had been proved before them in evidence, and left it to the Government of the day to take such steps as they might think right.

THE EARL OF KIMBERLEY said, he entirely agreed with the noble Duke (the Duke of Richmond and Gordon) that the paragraph in question in the Report of the Commission over which he had presided was very carefully drawn, and was based upon the evidence laid before them. That evidence, as far as he could judge, was of very much the same character as that taken before the Bessborough Commission. The noble Duke said that that carefully-worded paragraph was not a recommendation in favour of legislation; but in that case what was it? Was it a sentiment? [The Duke of RICHMOND and GORDON assented.] Was it then a mere sentiment which was to have no practical effect? The noble Duke must have had far too long an experience of public affairs to suppose that a statement of that character made in the Report of a Royal Commission could be looked upon as the mere utterance of a sentiment. He (the Earl of Kimberley) was sorry to differ from the noble Duke; but he could not help remarking that that Commission first laid the groundwork for legislation, for the paragraph began by the very important declaration that the improvements were generally the work of the tenants, a view which the noble Marquess opposite (the Marquess of Salisbury) had treated as being a mere assumption on the part of Her Majesty's Government. What he (the Earl of Kimberley) himself had said about this question of improvements was, that in the great majority of instances the improvements were made by the tenant alone; that in many instances they were made by the tenant and the landlord jointly; and that he doubted whether in any instances, except those that had been specifically referred to the English system, under which the landlord alone made the improvements, was followed. The Report of the noble Duke's Commission, having laid down the premiss that the improvements were generally the work of the tenant, went on to draw the following very natural conclusion:—

> "We are inclined to think that by the majority of landowners legislation properly framed to accomplish this end would not be objected to."

To accomplish what end? The protection of the tenant from an arbitrary increase of rent, which he not unnaturally feared, because of the improvements effected by himself. Did the noble Duke really mean to contend that a statement of that kind was not equivalent to a recommendation in favour of legislation on the subject? It amounted to such a recommendation in practice, if not in words. In his (the Earl of Kimberley's) opinion, the words amounted to as strong a recommendation in favour of legislation as could be framed. He did not think words could have been more carefully or skilfully chosen for the purpose of bringing home to everybody's mind that additional legislation, in order to give additional security, had become inevitable.

Lord LECONFIELD said, that, having been alluded to in the course of the debate, he wished to say that his estates in Ireland were managed, with great success, on the English system, so far as could be done in a country where the tenure of land was different. He had not the facts and figures with him to show the actual results; but he believed he was not the only Irish landlord who had adopted the English system in the management of Irish estates with beneficial results.

Motion (by leave of the House) *withdrawn.*

STATUTE LAW REVISION AND CIVIL PROCEDURE BILL [H.L.]

A Bill for promoting the Revision of the Statute Law by repealing various enactments chiefly relating to Civil Procedure or matters connected therewith, and for amending in some respects the Law relating to Civil Procedure—Was *presented* by The Lord Chancellor; read 1ª. (No. 140.)

SOLWAY FISHERIES AMENDMENT BILL [H.L.]

A Bill to amend the law relating to Salmon Fisheries in the Solway Firth—Was *presented* by The Earl of Dalhousie; read 1ª. (No. 141.)

House adjourned at a quarter past Ten o'clock, to Monday next, a quarter before Five o'clock.

HOUSE OF COMMONS,

Friday, 1*st July,* 1881.

MINUTES.]—Public Bills—*Ordered—First Reading*—Metropolitan Board of Works (Money) [204].

Committee—Land Law (Ireland) [135]—R.P.

The House met at Two of the clock.

QUESTIONS.

VACCINATION ACT, 1867—SEC. 31.

Mr. BURT asked the President of the Local Government Board, If he will be good enough to state whether a person who has been once fined under s. 31 of the Vaccination Act of 1867 is liable to be again fined within twelve months under the same order; whether the magistrates have power to grant as many fresh orders as may be demanded by the local guardians; and, whether there is any analogy in other statutes for a repetition of fines under the same magistrate's order, or for a repetition of identical orders for an identical purpose, such repetition of fines or orders not being specially provided for by the statute?

MR. DODSON: Sir, a person who has been once fined under Section 31 of the Vaccination Act of 1867 is not liable to be again fined within 12 months under the same order; but the magistrates have power, when one order has not been complied with, to make a fresh order, and so on from time to time, on the application of the Guardians. The Local Government Board have, however, frequently pointed out the expediency of discretion in the exercise of this power of repeating prosecutions. It is not correct to say that the fines are repeated under the same magistrate's order, as a fresh order must be made before a second fine can be imposed; and the orders are not identical, as a fresh time is prescribed for the performance of the operation in each case.

WESTERN PACIFIC—THE SOLOMON ISLANDS—PUNISHMENT OF NATIVES.

MR. R. N. FOWLER asked the Secretary to the Admiralty, Whether he has received any Despatches or Reports concerning recent outrages in the Solomon Islands, and the reprisals inflicted by H.M.S. "Emerald?"

MR. TREVELYAN: Sir, the Report of the proceedings of Captain Maxwell has been presented to the House. It is in the hands of the printer, and will shortly be published. No despatches relating to the subject have since then been received at the Admiralty.

CITY OF LIVERPOOL—POWDER MAGAZINES IN THE MERSEY.

MR. SUMMERS asked the Secretary of State for the Home Department, Whether his attention has on more than one occasion been called to the floating powder magazines in the Mersey; and, whether, having regard to the enormous damage that would be caused to the City and Port of Liverpool in the event of an explosion, he will, notwithstanding the recent expression of opinion by the Mayor of Liverpool that all possible precautions are observed, take steps to prevent so disastrous a calamity from occurring, in the only completely effective way, viz., by procuring the removal of the 400 tons of powder stated to be stored in these magazines to a considerable distance from the city?

SIR WILLIAM HARCOURT: Sir, this is, no doubt, a very important matter, and I have been in communication with the authorities at Liverpool with regard to it. I am informed that these magazines are under a special Act passed in 1851, and that they are exempted from the operation of the Act of 1879. They are, therefore, under the jurisdiction of the Admiralty and the War Office, and my hon. Friend the Secretary to the Admiralty will answer the Question put by the hon. Member.

MR. TREVELYAN: Sir, in answer to my hon. Friend I may say that the private gunpowder magazines in the Mersey are under a special Act of August, 1871. By this Act the Board of Admiralty, with the approval of the Master General of the Ordnance and the Conservators of the River Mersey, are to appoint places for mooring these hulks; and, if it is represented to the Admiralty that they are unsafely placed, the Admiralty have power to remove them to another place in the same river. The Master of the Ordnance, which now means the War Office, is directed to appoint an officer to superintend the stores, and has the power of making regulations for the safe keeping of the powder; and it is expressly stated that the power of limiting the quantity is attached to the Master of the Ordnance. At this moment the hulks are being closely watched by a Revenue cruiser—one of the tenders to the *Defence*—which is anchored near them, and whose crew rows guard. Lord Northbrook, who is now at Liverpool, is inquiring into the question; and Admiral Spratt, who is the Conservator of the Mersey who acts for the Admiralty, has been asked to give his advice. I will let my hon. Friend know as soon as anything is determined on, whether in concert with the War Office or without it.

STATE OF IRELAND—WRIT-SERVING IN WESTMEATH.

MR. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been drawn to a letter addressed to "Freeman's Journal" of 22nd instant, by Rev. L. Kinsella, C.C., of St. Michael's, Castlepollard, under the heading of "Writ-serving in Westmeath," in which he vouches for the accuracy of the statement that a Mr. Richard Gradwell, of Dowth Hall, near Drogheda, accompanied by his son and three hundred police, proceeded to serve writs for arrears of rent; did the son really act on the occasion as writ-server; and, does the same person, Ashurst Gradwell, hold a Commission from Her Majesty as Lieutenant in the Royal Meath Militia?

Mr. W. E. FORSTER, in reply, said, he had not seen the letter in question. He had sent for information, which had not yet arrived; but he really thought it was hardly a matter in which he ought to interfere. It was evident from the fact that 300 police accompanied Mr. Gradwell that it was considered a matter of danger to serve the writs, and he did not know that he was to blame.

Mr. HEALY asked the Secretary of State for War, Whether his attention has been called to a statement in the "Freeman's Journal" of the 22nd June, that Lieutenant R. A. Gradwell, of the Royal Meath Militia, had recently acted as process server near Castlepollard, county Westmeath, having gone hammer in hand and nailed up writs on the doors of some twenty people; whether Lieutenant Gradwell has recently passed an examination for the Line; and, if the Government will state what notice they will take of the matter?

Mr. CHILDERS: No, Sir; my attention had not been called to the paragraph in question; and, if it had, I should have taken no notice of it, as the Royal Meath Militia has not been called out for training this year, and I have no power to order Militia officers not to serve processes at other times. Lieutenant Gradwell has not passed his examination for the Line.

POST OFFICE—THE BELFAST LETTER CARRIERS.

Mr. BIGGAR asked the Postmaster General, If it is true that, although the sorters and letter carriers of Belfast performed much extra duty at Christmas last, they have not yet received any extra compensation beyond their ordinary salaries, nor have they received any reply to a memorial they addressed to the Inspector on the subject?

Mr. FAWCETT, in reply, said, that the claim referred to was perfectly just and reasonable. He had to express his regret that some delay had occurred in granting the compensation; but he had given fresh instructions, which he hoped would prevent any such delay in future.

POST OFFICE—TELEGRAPH DEPARTMENT—RELIEF CLERKS.

Mr. W. J. CORBET asked the Postmaster General, If it is with his approval that telegraph clerks are sent from the central and larger offices to the smaller provincial ones in the capacity of "relief" clerks to supply the place of those who are ill or absent during the annual leave-taking, a portion of the "assistant" staff of these provincial offices being at the time suppressed, and which, if provided, could readily take the place of the absentees, and thus save the Department the expense attendant on "relief" clerks together with the loss of service at the office from which these are temporarily withdrawn; and, is this one of the principal causes of so much extra duty being exacted off the clerks attached to the larger offices; if so, will he direct the district surveyors to see that, before entertaining any application for "relief," the proper "assistant" staff sanctioned and paid for by the Department is duly provided by the postmaster making such application?

Mr. FAWCETT, in reply, said, that he would make careful inquiry on the subject referred to. In calculating the strength of the central establishment, care was taken to estimate the average number of relief clerks necessary to be sent to assist in different places.

CIVIL SERVICE SUPERANNUATION—OFFICE OF WOODS AND FORESTS.

Mr. JAMES HOWARD asked the Financial Secretary to the Treasury, Whether the Officers of Her Majesty's Woods and Forests' Office come under the provisions of the Civil Service Superannuation Act; whether their appointments are subject to the Civil Service Commission; and, under what regulations they hold their appointments?

Lord FREDERICK CAVENDISH: The officers of the Office of Woods and Forests are subject to the same conditions of appointment, tenure, and pension as the other members of the Civil Service whose salaries are voted in Committee of Supply. The receivers, surveyors, and local officers who are appointed by the Treasury and paid out of the gross land revenue are not under the Superannuation Act; but, by a Treasury Minute passed some years ago, their pensions, which are paid out of the land revenue, are regulated on the principles of that Act.

RELIEF WORKS (IRELAND).

MR. JUSTIN M'CARTHY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he can say why the relief works ordered last Winter at Extraordinary Sessions in Granard, county Longford, have been so long delayed, and why the works ordered for the townland of Aughanoran have not yet been begun, although there is much poverty in that district, and a great many men are eagerly asking for employment there?

MR. W. E. FORSTER, in reply, said, that on making inquiries into the matter he found that the works referred to had been postponed pending the completion of two other works in the same locality.

POST OFFICE (IRELAND)—THE POSTAL SERVICE.

MR. JUSTIN M'CARTHY asked the Postmaster General, Whether he is aware that the conveyance of letters between Arna, county Cavan, and Moyne, county Longford, is very defective and irregular, that the mails sent from Arna at half-past nine in the morning often do not arrive at Moyne, a distance of only two miles, until between eleven and twelve, and that people receiving letters there by that post cannot answer them on the same day, as there is no post leaving Moyne in the evening?

MR. FAWCETT, in reply, said, that no complaints of irregularities such as those mentioned in the Question had reached him; but he had given instructions that inquiries should be made, and would ascertain whether the correspondence between Arna and Moyne was sufficient to justify the establishment of an afternoon post from the latter place.

AUSTRIA AND SERVIA—COMMERCIAL TREATY.

LORD RANDOLPH CHURCHILL asked the Under Secretary of State for Foreign Affairs, Whether, in the revised Convention or arrangement about to be concluded with Servia, it will be admitted that, notwithstanding the "most favoured Nation" Clause, contained in the Treaty of 1880 between this Country and Servia, Servia will be empowered to admit iron unmanufactured, or partly manufactured, and other articles from Austria, at a duty considerably lower than that levied on British products of the same nature; and, whether, before the new arrangement is signed, the stipulations will be laid before the Chambers of Commerce?

SIR CHARLES W. DILKE: Sir, the question of the duties on iron is under discussion with the Servian Government. As regards "other articles," Austria, by her Treaty with Servia of July 8, 1878, has the right to special facilities for frontier traffic. The trade in these "other articles" does not concern any but conterminous States, owing to their bulk and small value. The Commercial Department of the Foreign Office is thoroughly acquainted with the requirements of British trade in Servia. The Chambers of Commerce were consulted a considerable time ago on the question of our Treaty with Servia.

LORD RANDOLPH CHURCHILL: Since the Servian Treaty with Austria?

SIR CHARLES W. DILKE: Yes, Sir. They were consulted frequently during 1879 and 1880.

TURKEY—THE MURDER OF THE LATE SULTAN, ABDUL AZIZ—MIDHAT PASHA.

MR. M'COAN asked the Under Secretary of State for Foreign Affairs, Whether any other report than that published at the time has been received from Dr. Dickson, physician to Her Majesty's Embassy at Constantinople, and a member of the Medical Commission which examined the body of the late Sultan Abdul Aziz immediately after his death of the result of such examination; and, if there be, whether he will lay it upon the Table of the House; and also, whether, in the interests of justice and humanity, and in view of the report made at the time by such Medical Commission, it is the intention of Her Majesty's Government to interpose its friendly good offices at the Porte, or directly with the Sultan, to save Midhat Pasha, and any or all of the other persons convicted with him yesterday of complicity in the alleged murder of Abdul Aziz, from execution of the sentences severally passed upon them? He desired to express, before the Question was answered, his absolute distrust of the capacity and probity of the members of the Turkish Court which conducted the recent trial; and, from his own personal knowledge, he accepted all the responsibility of stating that they were persons not entitled to the respect of Europe, or of that House.

SIR CHARLES W. DILKE: Sir, the substance of a Report by Dr. Dickson was laid before Parliament (Turkey, No. 3, 1876, p. 227), and no further Report has been received. Lord Granville is in communication with Lord Dufferin with regard to the recent State trial; but it would be premature to make any announcement at present.

FRANCE — THE NEW COMMERCIAL TREATY — REPORTED STATEMENT OF THE FRENCH MINISTER.

MR. W. HOLMS asked the Under Secretary of State for Foreign Affairs, Whether his attention has been called to a Report in the "Times" of 30th June of the following statement said to have been made by M. Tirard with reference to the proposed Commercial Treaty with France:—

> "As to England, her Government is resisting only for the sake of appearances, and is really resolved on accepting the proposed basis, with concessions on certain points, of which it already knows the extreme limits;"

and, whether Her Majesty's Government has given the French Government any assurance which could warrant M. Tirard in making such a statement?

SIR CHARLES W. DILKE: Sir, it is not the practice of Her Majesty's Government to take notice of statements said to have been made by the Ministers of Foreign Governments, and still less of the unauthorized reports of those made in the secret sittings of a Parliamentary Committee; but as far as regards the statement which is referred to by my hon. Friend, and which I cannot believe to have been made, as to the action taken by Her Majesty's Government in the commercial negotiations with France, I may say that there is no truth whatever in it.

EVICTIONS (IRELAND) — CASE OF DENIS MURPHY, CO. LIMERICK.

MR. O'SULLIVAN asked the Chief Secretary to the Lord Lieutenant of Ireland, If it is true that Denis Murphy,

of Blackpool, Kilmallock, county Limerick, with his wife and six children, were evicted from their holding on the property of Mr. John Coote on the 23rd of this month; and, if the total amount due at the time was only one year's rent and a balance of £22 8*s*. which accrued during the bad harvests of 1878 and 1879?

MR. TOTTENHAM asked, whether the Denis Murphy mentioned in the Question was the same Denis Murphy who had been evicted in 1880 for non-payment of £230, or one and a-half years' rent, and who took forcible possession of his house, and was tried for that offence at the Assizes, when the jury disagreed; whether he did not again take forcible possession of his house; whether his holding did not comprise 70 acres of land of the best quality; and whether his last eviction was not for the violence of his conduct, and not for non-payment of rent?

MR. O'SULLIVAN said, that, perhaps, in answering that Question, the right hon. Gentleman would say whether Denis Murphy did not pay all the rent that was due before the six months had elapsed, except a small balance of £18, and also that he had to pay the landlord's costs?

MR. W. E. FORSTER, in reply, said, that the story evidently had two sides. His own information was to the effect that Denis Murphy had been originally evicted, not for non-payment of rent, but for some other reason; that he had twice retaken forcible possession of his house, and had been tried, as stated by the hon. Member for Leitrim. His last ejectment was in June, 1880, when one and a-half years' rent was owing.

MR. HEALY asked, whether a man was not said to retake forcible possession of his house when he merely took the staple off the door, and, for instance, returned to sleep there?

MR. W. E. FORSTER: Whatever the offence is, it consists in breaking the law.

CRIME (IRELAND)—THE CITY OF WATERFORD.

MR. R. POWER asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the following statement made by the Chairman of Quarter Sessions at Waterford on Thursday the 23rd of June:—

> "He was happy to be able to tell the grand jury that their duties would be very light, as there was only one case to go before them, which was a charge against three young lads of stealing some potatoes in one of the small streets of the city. The calendar was very creditable to the state of the city, and he was glad to be able to congratulate them on it;"

and, if he still considers it necessary to declare the City of Waterford a prescribed district?

MR. W. E. FORSTER, in reply, said, he had not seen the statement to which the hon. Member referred, but did not doubt that it had been correctly quoted. He was obliged to answer that he still thought it necessary to prescribe the county of the city of Waterford.

MR. LEAMY asked whether the right hon. Gentleman would state the grounds on which he had formed that opinion?

MR. W. E. FORSTER said, he must really refer the hon. Member to what happened a few days ago, when he stated that he was unable to give any precise information on the subject. The adjournment of the House was then moved, and a large majority supported by voting against that Motion the course he had taken.

MR. LEAMY asked whether the right hon. Gentleman would state any of his reasons, and what had been officially set forth as to the condition of Waterford?

MR. T. D. SULLIVAN asked whether the Prime Minister had not promised that all actions taken under the Coercion Act might be challenged on the floor of the House? But what was the use of challenging the proceedings if they got no answer?

MR. J. COWEN asked whether it was the case that the city of Waterford, containing 30,000 inhabitants, had been prescribed in order to facilitate the arrest of the secretary of the local branch of the Land League?

MR. W. E. FORSTER said, he really could not give any more definite answer. The House had approved of their not giving the special grounds of the proclamation issued; but the hon. Member for Newcastle (Mr. J. Cowen) must not suppose, if he did not give him a definite answer, that the supposition suggested in his Question was necessarily correct.

MR. MACDONALD asked, whether, when promoting the passage of the Coercion Bill through this House, the Prime Minister made this statement, "That on the floor of the House"—["Order!"]

MR. SPEAKER: It is quite irregular for the hon. Member to refer to past debates of the present Sesssion.

MR. T. D. SULLIVAN wished to know if they were at liberty to challenge these proceedings on the floor of the House of Commons? If they were, what was the use of doing so when they could get no information?

MR. W. E. FORSTER said, he could repeat what he had stated before, that if any Motion was brought forward censuring the Government they were perfectly ready to meet it.

MR. JUSTIN M'CARTHY asked whether the right hon. Gentleman knew the grounds on which Waterford had been prescribed, or had he merely relied on the statement of some subordinate official?

MR. R. POWER inquired if the Government would give any opportunity for bringing forward a Vote of Censure?

[No reply was given.]

COURT OF SESSION (SCOTLAND)—ADMISSION OF REPORTERS.

MR. DICK-PEDDIE asked the Lord Advocate, Whether his attention has been directed to the circumstance that in two recent cases in the Court of Session the representatives of the press have been denied access to interlocutors issued by the Lord Ordinary; and, whether the Clerks of the Court have power to prevent the judgments of the Lord Ordinary being made public; and, if they have, whether he will take steps to deprive them of that power?

THE LORD ADVOCATE (Mr. J. M'LAREN), in reply, said, that, before the Notice of the Question was given, he had made inquiry on the subject; but he had not yet received any answer, and perhaps his hon. Friend would repeat the Question.

MR. DICK-PEDDIE said, he would put it again on Monday.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—T. HARRINGTON, A PRISONER UNDER THE ACT.

MR. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether the alleged offence with which Mr. T. Harrington, at present confined in Galway Gaol, was committed on the same occasion and is charged with the same offence as that which Mr. Farrell was imprisoned for, viz.: the attending of a sheriffs' sale at Mullingar; and, if so, whether the information upon which Mr. Harrington was arrested was the same on which Mr. Farrell was arrested, and who has since been released; whether Mr. Harrington had not previously been committed for trial at the approaching assizes at Tralee; and, whether it is the intention of the Government to bring him to that trial or not?

Mr. W. E. FORSTER, in reply, said, that the copy of the Lord Lieutenant's warrant showed that Mr. Harrington had been arrested for inciting persons to assemble together illegally. As regarded Mr. Farrell, he had already stated he was released on account of the state of his health. He was informed that Mr. Harrington had been returned for trial, but it depended on the Attorney General for Ireland to say whether or not the trial would be proceeded with.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—J. R. HEFFERNAN, A PRISONER UNDER THE ACT.

Mr. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether John R. Heffernan, a suspect detained in Limerick Gaol under the Coercion Act, who is described in the warrant issued for his arrest by the Lord Lieutenant as "John R. Heffernan, Glencam, Whitechurch," has been wrongly imprisoned, as he never lived in Whitechurch parish, but in Glencoom, Grenagh, and not "Glencam, Whitechurch," as stated in the warrant; and, whether any such crimes as Mr. Heffernan is charged with, viz. "entering and taking forcible possession of farms, and general riot and assault," have been committed in the above-mentioned district?

Mr. W. E. FORSTER, in reply, said, he was advised that Mr. Heffernan was sufficiently identified by the warrant, that his detention under it was legal, and that the error—if there was an error—in incorrectly naming the place of abode, was not material. The warrant which described the offence did not state the district in which it was committed.

Mr. PARNELL said, the right hon. Gentleman had omitted to answer the last portion of the Question.

Mr. W. E. FORSTER said, he had not had time to inquire into the matter. He supposed that from the character of the previous answer the hon. Member would not have considered it necessary to ask it. He evidently supposed that the warrant must show that the crime of which he was reasonably suspected had been committed in the district in which the person was described as residing; but the hon. Member must be now aware that that was not so. He (Mr. W. E. Forster) supposed he was under that impression; but if he particularly wished to know about this district, or about any other, if he gave him two or three days' Notice he would give him the information about it.

STATE OF IRELAND—HINDRANCE TO SERVING PROCESSES OF LAW.

Mr. PARNELL asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether F. Doogan, of Meenanillen, Derrybeg, county Donegal, has been imprisoned in Lifford Gaol on a charge of assembling to prevent a bailiff from serving writs; and, whether he will consider whether a summons to attend before the petty sessions would have been sufficient? Whether Maurice Coll, of Meenanillen, Derrybeg, county Donegal, the sole support of a family of eight in number, the youngest of whom is only one year old, has been arrested and imprisoned in Lifford Gaol on a charge of assembling to prevent bailiffs serving writs; and, whether he will consider whether a summons to attend before the petty sessions would be sufficient in such cases? Whether James Carroll, Maheralask, Bunbeg, county Donegal, upon whom five children, the eldest of whom being fourteen and the youngest seven, and a wife, are depending for support, has been imprisoned in Lifford Gaol on a charge of assembling to prevent a bailiff from serving writs; and, whether he will consider whether in this case a summons to attend the petty sessions would be sufficient? Whether John Mulligan, Magheraclogher, Bunbeg, county Donegal, has been thrown into Lifford Gaol on a charge of assembling to prevent bailiffs from serving writs; and, whether he will consider whether a summons to attend before the petty sessions would have been sufficient? The hon. Member remarked that the Questions had been much altered since he had put them on the Paper; and he wished to know whether, when Questions were altered by the authorities of the House, it would not be fairer if the hon. Members giving Notice of these Questions should be communicated with?

MR. W. E. FORSTER: The magistrate had jurisdiction in each of the cases referred to either to issue a warrant or, if he thought proper, to cause summonses to be issued in the ordinary way. He could not review the decisions of the magistrates in such cases.

MR. PARNELL asked the right hon. Gentleman, whether he would express an opinion on the action of the magistrate in this as he had done in other cases?

MR. W. E. FORSTER said, he did not consider it his province to express an opinion.

MR. CALLAN wished to ask the Attorney General for Ireland, whether it was not usual in such cases where the defendants were residents and not likely to run away to proceed by summons?

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it depended altogether upon the circumstances of the case, and the magistrate was the person to decide.

PARLIAMENT—BUSINESS OF THE HOUSE—QUESTIONS.

MR. SCHREIBER asked the Prime Minister, Whether, as Public Business on Mondays and Thursdays now commenced at a quarter past 4 o'clock, he would endeavour to insure a more punctual attendance on the part of his Colleagues at that hour, for the purpose of answering Questions which stood on the Notice Paper?

MR. GLADSTONE: I am sorry for the inconvenience to which Members are subjected; but to a great extent they feel the evil pressing upon Ministers of the Crown. When the preliminary Business now comes on, the Questioning very many times, especially on Mondays and Thursdays, continues for two hours or two and a-half hours. The Questions are scattered here and there, one, two, or three, to several Ministers; and, considering all that Ministers have to attend to, the matter becomes one of very great difficulty. For my own part, I sometimes find it impossible to spend the whole time waiting until the period arrives for the commencement of Business. While I sympathize with the inconvenience from which Members suffer, it sometimes occurs to me that, if Members were willing to acquiesce in a system by which the Questions to be put to each Minister might be placed together, it might probably lead to a considerable mitigation of the difficulty. I cannot say, without consultation with the authorities, whether that can be done.

MR. SCHREIBER said, that he had asked the Question from having observed that sometimes the list was otherwise gone through when Ministers appeared in their places, and there was nothing but loss of time from their non-attendance.

MR. CHILDERS: It is not Ministers only who are absent at Question time. I came down yesterday, and out of six Questions on the Paper to be addressed to me, in four cases the Members who were to put them were not present.

MR. W. E. FORSTER: I must also state, although I have had my share of Questions, that only once during the Session I have not been in time, and that, generally speaking, hon. Members who are to put the Questions are not present, as was the case just now with the hon. Member for the City of Cork (Mr. Parnell).

MR. GORST said, he would ask the Prime Minister next week, whether it would not be possible when Questions were put requiring Departmental information that the answers should be printed with the Votes, and so save time in putting the Questions, and the time taken up by Ministers in replying?

MR. NEWDEGATE wished to put a Question to the Prime Minister on a subject which had been considered by the Committee on Public Business in 1861. He would ask the Prime Minister whether he could not make some suggestion for the regulation of the manner in which Questions were put, so as to give the House itself some command over them?

MR. GLADSTONE: While I entirely appreciate the motive and intention of the Notice just given by the hon. and learned Member for Chatham (Mr. Gorst), I must say that the whole subject of the Rules with regard to Questions requires further and comprehensive consideration. Questions formerly, when I entered the House, were of very rare occurrence, and for many years they formed so slight a portion of the Business of the House that, as regards time, they required no regulation, but regulated themselves without difficulty. They have now become a very serious and, I am bound to add, a very important part of the Business, and, therefore, not frivolous or trifling. I think the Question suggested by the hon. Member for North Warwickshire (Mr. Newdegate) will require serious consideration.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]
Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. (Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [EIGHTEENTH NIGHT.]

[*Progress* 30*th June.*]

Bill *considered* in Committee.

(In the Committee.)

PART II.

INTERVENTION OF COURT.

Clause 7 (Determination by Court of rent of present tenancies).

MR. BIGGAR, in moving, in page 7, line 12, at the end, to insert —

> "And also, if the rent payable by the tenant for the time past much exceeded what the Court now considers a fair rent, the tenant shall get credit in his coming rent for what the Court believes to be reasonable, having regard to the extent of the yearly overcharge and the length of time which it had been paid,"

said, he did not at all allege that even those tenants who were charged an outside rent—say, one and a-half times the Government valuation—would get any compensation or allowance under this Amendment; but there were cases in which tenants had been charged very extravagant rents—much more than the holding was really worth—and if a landlord had for a number of years been getting money beyond the reasonable rent of a holding, he thought that circumstance ought to be taken into account when the question of the rearrangement of the rent arose. He would give one illustration of what he meant. There was a great discussion some years ago in regard to property in the county of Tipperary. He did not remember the details of the matter now, but in general terms it amounted to this. Mr. Buckley bought a property which paid 4 per cent on the old rental, and he raised his rent so as to receive 7 per cent. Some allowance ought to be made for a tenant who had been kept in a state of continual poverty all these years, and therefore he thought it reasonable that the landlord should give some compensation for what he had unjustly received in times past.

Amendment proposed,

> In page 7, line 12, at the end, to add the words "and also, if the rent payable by the tenant for the time past much exceeded what the Court now considers a fair rent, the tenant shall get credit in his coming rent for what the Court believes to be reasonable, having regard to the extent of the yearly overcharge and the length of time which it had been paid."—*(Mr. Biggar.)*

Question proposed, "That those words be there added."

MR. PARNELL thought this Amendment was a very important one. It had reference to a question which had not attracted very much attention up to the present time. The question of arrears was one which had attracted a great deal of attention in Ireland; but the question of tenants who had paid rack rents, but were not in arrears, had not attracted so much attention. He submitted, however, that it was a question which ought not to escape the view of the Committee. How had these rents in many cases been paid? They had been paid owing to the facilities which the Land Act of 1870 conferred on the tenants. They had been paid by means of loans from the banks and from small money-lenders, and by borrowing indirectly from the shopkeepers, and in every other way but out of the legitimate produce of the holding itself. If the Committee were going to confer upon this class of tenants a tenant right, as they proposed to do by this Bill, and were going to leave them without any right to a claim of drawback, as regarded the future payment of their rent, from their landlords, the tenant right would, in reality, be given not to the tenants, but to the shopkeepers or to the bankers from whom they had borrowed the money to pay these rack rents up to the present time. The indebtedness of every class of farmer was of a two-fold character. Some of them owed money to landlords, and some to shopkeepers and banks. Some owed money to both landlords and the banks; but the class of tenants now under consideration would be the class who had paid the rent, although it was a rack rent, and who, when they came into possession of the privileges conferred by this Bill, would find that those privileges would not be to their own enjoyment, but to the enjoyment of their creditors who had advanced them the money. He submitted that that was not a fair nor a just operation, and that some Amendment ought to be introduced into this Bill giving the Court power to take into consideration, in fixing a fair rent for the future, the fact, if it were a fact, that the tenant had been paying largely in excess of the rent.

MR. GLADSTONE: It is not possible for us to accede to this Amendment, either in its present form or in any form it may assume, for reasons which, I think, will be obvious almost to the Mover of it. In the first place, there is the difficulty of making retrospective operations and examining all the particulars which determine the equity of past transactions, and of reviving all these questions, long, perhaps, after the record of them has disappeared. But there is a stronger objection to the proposition, and it is that if you give to a tenant who is going to have a judicial rent the power to go back on former years to prove that his rent was too high and to claim a return of the difference, how are we to meet the proposal which would unquestionably be made from other quarters of the House with resistless force, that it should likewise be open to a landlord to claim the difference if, in former years, the rent has been too low?

MR. WARTON wished to make one observation on the advocacy of this Amendment by the hon. Member for the City of Cork (Mr. Parnell). The hon. Member had said that, on the whole, rents in Ireland were low. [MR. PARNELL: I did not say that.] He (Mr. Warton) had the Report of the hon. Member's words in his hand. Speaking at a convention of the so-called Land League in April last, the hon. Member said—

> "It was also apprehended that on many estates the landlords would force their tenants to have recourse to the Court to fix what was called a judicial rent, and that the result would be to raise rents on estates in Ireland. The net result would be to raise rents generally."

Therefore, we had the hon. Member's own confession that rents in Ireland were generally low.

MR. PARNELL submitted that the hon. and learned Member for Bridport (Mr. Warton) had twisted the interpretation to be placed on his words, and had deduced from them a meaning which could not at all be attached to them. He believed he had stated to the House much the same thing. He did not dispute the accuracy of the quotation; but he had stated in the House that the net result of the action of this Bill would be to increase, and not to diminish, the total amount of money which the Irish landlords would obtain from the tenants in Ireland. He believed, also, that the Bill would undoubtedly reduce many rents which were extreme rack rents; but he thought that, on the other hand, it would raise many rents which were at present moderate, and that, as regarded the class of rents which were too high, but which could not come under the denomination of rack rents, it would leave these untouched. The net result would be that the total amount of rent paid to the landlords in Ireland would be increased rather than diminished. But that was a different thing from saying that, on the whole, rents in Ireland were low.

DR. COMMINS thought that if the hon. and learned Member for Bridport would consult the authorities, he would find that the reality was quite the opposite of what he had stated. Mr. Arthur Fitzgibbon, a Master in Chancery, in his work entitled *Ireland in* 1868, distinctly said that in general the rents imposed and paid in Ireland were higher than could be imposed or paid in England. If rents were generally overcharged in 1868, they were still more overcharged now.

MR. TOTTENHAM said, that, in reply to the statement of the hon. Member who had just addressed the Committee, he might quote what was said by the Bessborough Commission and the Richmond Commission. The Report of the former Commission stated distinctly that rents in Ireland were not charged on the same scale or to the same extent as they would be in England.

SIR WILLIAM PALLISER said, it followed, from the words used by the hon. Member for the City of Cork (Mr. Parnell), that rents fixed by a competent tribunal would be higher than rents generally were in Ireland at the present time, and yet all reasonable men would admit that rents fixed by a competent tribunal would be fair rents. Consequently it followed, from the statement of the hon. Gentleman, that the greater part of the land in Ireland was let at rents below fair rents. If the statement of the hon. Member for the City of Cork were looked into, he thought it would be found to be absolutely correct. If that were the case, there was little ground for all the abuse and invective which the hon. Member for the City of Cork had heaped on the landlords as being a rack-renting class.

The CHAIRMAN: Before the discussion proceeds further, I wish to point out that hon. Members are getting away from the Amendment.

Mr. PARNELL remarked, that he certainly never used the expression that rents in Ireland generally would be raised by the operation of this Bill. He said that the total rental of Ireland would be raised, which was a very different thing. He believed the Bill, practically speaking, would affect but a very small proportion of the rents in Ireland. It would leave the great majority of them untouched. In his opinion, it would raise some and diminish others; but the total result would be to raise the total rental of the landlords derived from the land in Ireland.

Sir WILLIAM PALLISER said, the speech of the hon. Member for the City of Cork was reported in *The Times* in exactly the same words as had been quoted.

Mr. LALOR said, the right hon. Gentleman the Prime Minister had remarked that if this Amendment were agreed to the landlords would have a right to look for credit for rent which they had not already demanded. He denied that there was the slightest analogy between the two cases. If heretofore the landlords had not a higher rent, it was because they conceived that the rents they had already imposed upon their tenants were fully equal to what the land was worth. At all events, the landlords could have raised the rents if they had wished to do so, whereas the tenants had no option in the matter. Again, if the case of arrears of rent were not taken into consideration in this Bill, there would be a large class of the people of Ireland left out altogether from the benefits of the measure. And there was no doubt that if these men were allowed to go without the arrears of rent they had already over-paid, they would not be allowed to remain on the land. He knew cases where the rack rents previously paid by the tenants had been enough to purchase the fee-simple of the land from the landlords.

Mr. MARUM said, one of the witnesses examined before the Commission stated that he believed the gross rental of Ireland was £20,000,000 a-year, or, taking out the houses and non-agricultural portions, £16,000,000. In a debate in the Irish House of Commons in 1773, the gross rental of Ireland was stated to be £4,000,000 a-year.

The CHAIRMAN pointed out to the hon. Member that his remarks had no reference to the Amendment now before the Committee.

Mr. HEALY observed, that the arguments of the promoters and of the opponents of the Amendment told equally in its favour. If the statement were true, that the rental of Ireland was a fair rental, the Amendment could do no damage.

Mr. BIGGAR must say he could not follow the logic of the argument adduced by the Prime Minister. He did not think the right hon. Gentleman's argument was a sufficient answer to the Amendment. He and his Friends had never argued that all the landlords of Ireland charged too much rent, and the case put by the hon. Gentleman the Member for Kilkenny (Mr. Marum) told very strongly in favour of his contention. It was known that on very large properties the Government valuation was about the average of the rents charged by the landlords. If this were so, the circumstance proved that a certain proportion of the rents in the country must be extravagantly too high. He did not suppose the right hon. Gentleman would agree to such an Amendment as he had himself suggested—namely, that a very low rent charged in times past should be charged against the tenant, to some extent, in the rent he would be charged in time to come. There was not much force in that argument. The reason why a moderate rent was charged in times past was because the tenant improved his holding very much. Even if the suggested Amendment were introduced into the Bill, the number of cases in which a landlord could derive benefit from it would be infinitesimal; whereas the tenants who had been charged a severe rent in times past, and who had, in consequence, been kept in poverty, would derive benefit from his Amendment, which was based on the principle of justice and fair play.

MR. JUSTIN M'CARTHY said, the clause provided that the interest of the tenant should be taken into consideration. How could that interest be ascertained without going back some time? And if retrospective inquiry were allowed in one case why should it not be allowed in another? After all, it came to be a question of degree, of discretion, and of convenience, as to how far the Court should go back in making inquiry. If it could be shown that a tenant was unfairly rack-rented in former years, he was unable to see on what principle we could refuse to permit that circumstance to be taken into account by the Court in fixing his rent for the future. That was all the hon. Member for Cavan wished to do. In his opinion, the Amendment was a perfectly fair and reasonable one.

THE O'DONOGHUE said, he thought the strongest argument which had been used in this discussion was that urged by his hon. Friend the Member for Queen's County. It was to the effect that a landlord who had voluntarily accepted from his tenant a rent below the value of the holding could not have the same claim to restitution as a tenant who had been compelled, against his will, to pay an exorbitant rent. He thought his hon. Friend the Member for Cavan need not be deterred at all by the argument used by the Prime Minister; and he hoped his hon. Friend would go to a division, for he thought they might with great safety incur the risk that had been pointed out by the right hon Gentleman at the head of the Government. He differed from some of his Friends; for he believed the landlords of Ireland, as a body, had been rack-renters. This had been asserted by the Marquess of Buckingham before the Union, and by the late Lord Derby. And a great lexicographer had defined rack rent as an exorbitant rent, usually extorted from their tenants by Irish landlords.

MR. SCHREIBER said, that as, in spite of the Chairman's ruling, the charge of "rack-renting" had again been hurled at the heads of Irish landlords, he hoped he should be permitted in reply to read to the Committee the precise words in which the Report of the Bessborough Commission dealt with that subject. The extract was as follows:—

> "Lastly, though the amount of rent was always at the discretion of the landlord, and the tenant had in reality no voice in regulating what he had to pay, nevertheless it was unusual to exact what in England would have been considered as a full or fair commercial rent. Such a rent, over many of the larger estates, the owners of which were resident and took an interest in the welfare of their tenants, it has never been their custom to demand. The example has been largely followed, and is to the present day rather the exception than the rule in Ireland."

He was glad to see the noble Marquess the Secretary of State for India in his place, because he hoped he would call the attention of his Colleague the Chancellor of the Duchy of Lancaster to the passage. He held that it put the matter beyond dispute, and he wished it to go forth to the country.

THE CHAIRMAN: On the general subject of rent I cannot allow discussion. We are upon the Amendment before the Committee, and we must keep to that Amendment.

MR. MITCHELL HENRY expressed a hope that this Amendment would not be pressed to a division, because it was not a practical Amendment. It was impossible that the Court could go into this matter, and revive the question of the rents paid in former years. Surely nobody could possibly imagine that a Court constituted for the purpose of determining rents in the future could enter into the question of rents paid 10 or 20 years ago. That would impose on the Court a burden which it could not possibly discharge. Therefore, he should vote against the Amendment. He made this statement because he was aware that several of these Amendments would be represented to the tenants as Amendments moved in their favour, and that it would be said that some Members who ought to have supported them did not do so. He did not hesitate to call this Amendment a "bogus" and a claptrap Amendment, which it would be impossible to work, and which could not be adopted by a practical Assembly.

SIR JOSEPH M'KENNA hoped the hon. Member for Cavan would not press this Amendment. If they encumbered the Bill by such an Amendment as this, they would be laying the ground-work for future litigation, and thus, in his opinion, it would do more harm than good.

Mr. BIGGAR observed, that nobody was responsible for the Amendment but himself. He only wished the Amendment to apply in extreme cases where the tenants were rack-rented.

Mr. P. MARTIN said, he thought the Amendment raised a very proper question; but, at the same time, it did not raise the principle the hon. Member desired to raise in the most convenient way, or in exactly the proper place, because it would be difficult for any Court to come to a right decision, having regard to the words of the Amendment. The Amendment contained these words—

> "If the rent payable by the tenant for the time past much exceeded what the Court now considers a fair rent, the tenant shall get credit in his coming rent for what the Court believes to be reasonable, having regard to the extent of the yearly overcharge and the length of time which it had been paid."

These words, "much exceeded," left the matter so vague and general that it appeared to him impossible that the Court could come to any conclusion. He conceded that certain limits must not be passed in the application by the Court of the general principle involved in the Amendment, but he could not coincide in the sweeping condemnation pronounced by the hon. Member for the County of Galway (Mr. Mitchell Henry). In cases of gross rack-renting and oppression the Court should have some power to turn back, even retrospectively, with a view of saying in such cases that they would look at rack-renting as regulating the future payment of rent. He was anxious to affirm the principle, but he could not support the Amendment.

Mr. T. P. O'CONNOR said, he observed that when an Amendment was brought forward from that side of the House much less patience was exercised by the Ministerial Party in listening to the arguments in favour of that Amendment than was exhibited when an Amendment was brought forward by a Ministerialist in favour of the landlord, and arguments in support of that Amendment were given. They were several hours, the other evening, discussing the Amendment of the hon. Member for Great Grimsby, which set up a most absurd and unjust—["Order!"]——

The CHAIRMAN: The hon. Member must speak to the Amendment before the Committee.

Mr. T. P. O'CONNOR said, he, of course, bowed to the Chairman's ruling; but he had been only endeavouring to point out why, in spite of some interruptions, he was justified in continuing the discussion. He had not had the advantage of hearing the views expressed by the Prime Minister on this question; but he gathered from the comments of hon. Members around him, and the speech of the hon. Member for Galway (Mr. Mitchell Henry), that it seemed, by the Treasury Bench, to be thought unfair to ask the Court to show anything like a retrospective regard to the rent paid by the tenant. Why, under sub-section 7 and the 1st clause of the Bill, the landlord was entitled to have a retrospective regard paid by the Court to the amount of rent he had extracted from the tenant. Under that section, the landlord was entitled to say to the Court—"I made such and such improvements on the land out of my own pocket; I do not get any return for these improvements in the shape of increased rent; therefore, you must make me compensation for the money I abstained from charging." Accordingly, most clearly they gave the landlord the right to demand retrospective regard to the lowness of the rent he had been charging. If the landlord had a right to that consideration, on a perfect parity of reasoning the tenant had a right to demand retrospective regard to the highness of the rent the landlord had been charging. The cases were on all fours; and he, therefore, thought his hon. Friend was justified in the course he was taking. The hon. Member for County Galway had characterized this as a "bogus" Amendment. Did the hon. Member use that phrase in the case of the Amendment of the hon. Member for Great Grimsby? Of course not, because it was in favour of the landlord. The Amendment of the hon. Member for Cavan (Mr. Biggar), however, was to be denounced as a "bogus" Amendment because it was in favour of the unfortunate tenant and not in favour of the landlord. One of the points which, he understood, had been raised by the Prime Minister was that if the Amendments were admitted the Court would have regard to the lowness of the rents charged by the good landlords. Well, his hon. Friend was not afraid of admitting that before the Court. Let both the good and bad landlords be allowed to bring before the Court the question of the rent of the past. Professor Baldwin, in the evidence he had given, had referred to a case where, on the Earl of Arran's estate, a tenant, between the years 1860 and 1869, had had his rent raised from £6 to £12. Every penny added to the original rent during those nine years was money robbed from the tenant, according to all moral considerations. Well, was this unfortunate man, who paid his £12 a-year rent, to be precluded from showing to the Court that he had been robbed of £4 or £5 a-year for several years past? He had only one objection to the Amendment, and it was this. He was not sure whether, under the loose wording of the first part of Clause 7, they were not entitled to bring this question before the Court as the case at present stood. The words agreed to last night were very vague and wide, and, if he were to advise any tenant going into the Court, he should tell him he was perfectly justified in bringing the rent of the past under its survey. If this were so, it was clear that the Amendment might be objected to on the ground that it was only establishing a principle that was already admitted; but his hon. Friend was perfectly within his right in challenging the verdict of the Committee on a question in which the Irish people were so deeply concerned, and which had the support of all parties in Ireland, including the Bishop of Ossary, who was not at all a Prelate of extreme views. With the Committee would rest the responsibility, not with the Irish Members, who had done their best to get the matter settled.

MR. LEA said, there was a very strong feeling in Ireland that some clause should be inserted in the Bill having regard to rack rents which had been paid by the tenants in the past. That was in sympathy with the principle of the hon. Member's Amendment; but he did not think that that Amendment was altogether a practicable one. If he thought it would have the desired result, he would vote for it, but he did not think it would; therefore, he trusted the hon. Member would not put the Committee to the trouble of a division.

MR. FINIGAN said, he had often listened to strong arguments from the Front Bench opposite against Amendments, but he must say he had never heard a stronger argument in favour of this Amendment than that adduced by the Prime Minister when he had said that if they extended this equitable consideration to the claims of tenants they ought to extend an equally equitable consideration to the claims of landlords. He was sure the hon. Member for Cavan would only be too happy to accede to that principle, or to the completion of a very great and important principle. The Prime Minister would be in perfect Order, both logically and practically, if his statement were put into the form of an Amendment, and added to this Amendment moved by his hon. Friend. It would be a very unfair average to ask the House to judge of the Irish rents by the English standard. It was a very great mistake made in the Committee, and in the House generally, of judging Ireland by an English standard. The two counties were eminently different, both in their rules and in their administration. If commerce were as extensive in Ireland as it was in England, perhaps the parity might be fair and just; but as circumstances existed now, he held that Irish rentals should be judged from an exclusively Irish point of view, having regard to the interest in the land of both landlord and tenant. It was necessary to admit the principle of this Amendment, and to mark out to the Court, in specific terms, whether it was to take a retrospective view of this question, or whether it was only to take a present view. Hon. Members had urged on the Committee that rents in Ireland were fair enough; but it behoved them to look at facts, and, in view of the facts of the case, all hon. Members, on whichever side they sat, must confess that the Irish land system had been an utter failure. He hoped his hon. Friend would divide the Committee on this important principle, not so much in the hope of getting a large number into the Lobby with him, but for the purpose of uttering a protest against their being denied, by the Government and a Party who always boasted of their fairness, a principle of justice and equity.

Question put.

The Committee *divided* :—Ayes 24; Noes 305: Majority 281.—(Div. List, No. 280.)

Mr. E. STANHOPE said, he had now to move an Amendment which stood in the name of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson). The Amendment spoke for itself, and was devised, not in the interest either of the landlord or the tenant, but of the holding itself. Under the provision, when the tenant went to the Court and asked to have a fair rent fixed, it would be competent for the Court to say—"No, you have broken the conditions of your tenancy, you are doing no good to yourself or the holding, you are allowing the holding to become deteriorated, therefore we will not accede to your application, or we will not accede to it until you have re-instated the holding in its proper condition." It might be thought that there was some innate power in the Bill enabling the Court to deal with this matter, but a careful examination of the clause would show that this was not the case. If hon. Members would look at the 8th sub-section of the clause, they would find that the Government proposed that the Court should have power in one particular case—where the holding in which the tenancy subsisted had been maintained and improved by the landlord—to refuse an application for the fixing of a fair rent. All that he asked was that there should be another case where the Court should have permissive power granted to it to disallow an application or to adjourn it. The proposal was a reasonable one in itself, and it was for the Government to say whether or not this was the part of the Bill in which it should be inserted.

Amendment proposed,

In page 7, line 12, after "title," insert "Provided always, that where application is made to the Court under this section in respect of any tenancy, and the Court is of opinion that the tenant of the holding in which such tenancy subsists, or his predecessors in title, has or have caused or suffered such holding to become and be then deteriorated, contrary to the express or implied conditions constituting the contract of tenancy, the Court may disallow such application, or may postpone the hearing of the same for such time as the Court may think fit."—(*Mr. E. Stanhope.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Government could not accept the Amendment. It was not a fair reason to say that the Court ought not to consider this matter; but the answer was that it was provided in Section 8 of the Bill that the Court might refuse an application, or accede to one, subject to conditions to be performed by either landlord or tenant. Any attempt to provide for particular cases would only be a temptation to parties interested to come forward and propose exceptions where they thought they could be made. In the one case the Government had provided for, and to which the hon. Member had alluded, the Government had considered it right to say that the Court might, if it thought fit, refuse the application. The 8th section of the Bill, which provided that the application might be refused, or granted conditionally on the landlord or tenant doing certain things, was identically the same as the 18th section of the Land Act of 1870, which referred to an Ulster tenant who had committed waste. It had been held in Ulster, where questions of this kind had been raised, that the tenant who had acted unreasonably, in the sense that he had committed waste on his holding, should suffer for it.

Mr. PLUNKET said, that the language of the 8th or Equities Clause would not be sufficient to deal with the state of affairs contemplated in the Amendment. It was no doubt true that cases of this kind had been decided under the Ulster Custom, but such cases might arise where the Ulster Custom did not prevail. The Ulster Custom was such a very difficult thing for people who were not familiar with it to understand, that it would be a great advantage to have this case dealt with as the Amendment proposed.

Mr. BIGGAR asked whether it was really intended to press the Amendment? The arguments used against the Amendment he had proposed would apply with much greater force in the case of the present proposal, which was equally retrospective in its character.

Mr. E. STANHOPE approved of the spirit in which the right hon. and learned Gentleman the Attorney General for Ireland had met the Amendment. The Government were willing to meet the point raised, and considered that the 8th clause was sufficient for the purpose. It was a curious construction to put upon that clause, notwithstanding that it might be supported by the Courts in Ulster. He did not propose to divide the Committee on the Amendment; but when they came to Clause 8, he was not sure that he should not feel it his duty to raise the point again.

MR. GLADSTONE: The construction that the hon. Member describes as a curious one is not one put on the clause by the right hon. and learned Gentleman the Attorney General for Ireland, but is an actual judicial construction applied in Ireland. It appears to me to be a much safer course to rely upon that actual judicial construction than to set about amending the Bill in this sense.

MR. WARTON said, that notwithstanding the arguments of the Premier as to the construction put upon the provision of the Act of 1870 by the Courts in Ireland—the construction put upon the word "reasonable"—there was considerable danger that the Courts, in future, would not act upon that construction. He was certain that no lawyer, on a first impression, would say that this case would cover the matters sought to be dealt with in the Amendment. He would remind the Committee that when they were discussing the question as to whether the tenant should sub-divide or sub-let his holding, it was said that under the loose words of the Bill—under the 8th clause—the tenant could go to the Court and say—"I have offered to sub-divide my holding; I have made a reasonable offer to the landlord." The Attorney General for Ireland had said—"Oh, no; you cannot stretch the point in that way." And it, therefore, seemed to him (Mr. Warton) that the clauses of this Bill were to be open to any temporary construction it might suit the purposes of the right hon. Gentleman to put upon them.

Amendment, by leave, *withdrawn.*

CAPTAIN AYLMER said, the next Amendment was in the name of the hon. and gallant Member for West Sussex (Sir Walter B. Barttelot), but he had undertaken to move it. Its object was to prevent tenants coming to the Court unless their rent had been raised since the passing of the Act of 1870. The Amendment, it was believed, would prevent a considerable amount of litigation by keeping out a great many cases that would otherwise come before the Courts. The Amendment was recommended, too, inasmuch as the Act of 1870 was the parent of the present measure.

Amendment proposed,

In page 7, line 12, at end of sub-section 3, insert "Provided, That the tenant shall not be entitled to make such application where the rent of his tenancy has not been increased by the landlord since the passing of 'The Landlord and Tenant (Ireland) Act, 1870.'"—(*Captain Aylmer.*)

MR. GLADSTONE: I am afraid I cannot accept the Amendment. The fact of the rent not having been altered might be an important reason for going to the Court to have a fair rent fixed. In the interest of the landlord as well as the tenant it may be important that, in this case, power should be given to go to the Court, because the landlord may himself have made valuable improvements of which, hitherto, he has not taken advantage. If the Amendment were made at all it should be in other terms, but I am not certain that in any case it could be made with safety.

MR. E. STANHOPE said, that what the Prime Minister said was that there might be cases in which it might be reasonable for the Court to take these matters into consideration. That being so, if this were a permissive Amendment there would be no objection to it. The Amendments, no doubt, went a little too far; but there was one in the name of the right hon. and learned Member for the University of Dublin, a little later on, which was permissive in its character, and that he should submit to the Committee when the proper time came.

Amendment, by leave, *withdrawn.*

CAPTAIN AYLMER said, the next Amendment standing in his name was a very short one—namely, to leave out the word "if" at the beginning of sub-section 4. It really, however, meant the omission of two sub-sections. The object of these sub-sections was to deal with the cases where the judicial rent was equal to, or less, or greater than, the rent payable by the tenant when the application was made. The proposition he had to make was that the three cases should be dealt with alike. If the Amendment and consequent Amendments were accepted, the sub-section would read thus—

> "The rent fixed by the Court (in this Act referred to as the judicial rent) shall be deemed to be the rent payable by the tenant as for the period commencing at the next succeeding rent day."

This would simplify the matter very much, and would leave all on an equal footing. He could not help thinking that there was an oversight in the Bill, because he could not see, if the Court said the rent was to be higher, why the landlord should not have the increase at once, just as in the case of diminished rent the decision was immediately operative. The drafters of the Bill seemed to think that the landlord would not like to take the increase though the Court might award it. Hon. Members below the Gangway might fail to imagine how that could be, but the provision seemed to be constructed on that theory. If the landlord wished to have the benefit of sub-section 6, he could take the rent allowed by the Court, however high it might be, and allow a rebate to the tenant. It would be a great saving of time if the Government were to assent to this Amendment, because the necessity for considering a great number of proposals on the Paper would be done away with.

Amendment proposed, in page 7, line 13, to leave out the word "if."—(*Captain Aylmer.*)

Question proposed, "That the word 'if' stand part of the Clause."

Lord RANDOLPH CHURCHILL hoped the Government would see their way to accepting this Amendment. It was difficult to conceive what motive could possibly have guided the Government in putting the landlord in the position in which he had been placed by sub-sections 5 and 6, because he must remind the Committee that the rent could not be fixed by the Committee until the landlord and tenant had found themselves unable to come to terms. The case would be one of dispute—it would not be a friendly matter at all—because if the tenant offered, and the landlord was willing to take, a lower rent, the case might not come into Court at all. The case might be one where the landlord would be dragged into Court, and the decision would be that the tenant had to pay a less rent than he had paid before. Let the Committee see how the Government went to work in these matters. In this case to which he referred if the rent was ruled to be too high, the tenant was to have, *ipso facto,* at once the advantage of that ruling. If, however, the rent was ruled too low, the landlord did not at once obtain the increase, but he had to serve a notice on the tenant before he could secure execution of the decree. If they wished to have the decisions of the Court respected, why, in this last-mentioned case, should they leave it to the landlord to put the decision of the Court in motion? If the decision of the Court was to take immediate effect in the case of the tenant, why on earth should it not take immediate effect in the case of the landlord? Why was the landlord to have this further burden imposed on him of going to the tenant and serving him with a notice, or of going to some officer of the Court—some functionary hateful to the Irish tenant—and getting him to serve a notice on the tenant? The Government could not advance any satisfactory argument in favour of this extraordinary distinction, and he could not tell why it had been so framed, unless it was for the purpose of throwing on the landlord an odious and invidious task.

Mr. BRODRICK said, that if he read the 6th sub-section aright, the position of the incoming tenant coming in under these circumstances would be most unfortunate. On the assumption that he would have to pay a lower rent than the judicial, he would pay a higher sum for the tenant right, and then, after he had obtained possession, he might be compelled to pay the judicial rent. He thought the Government ought to accept the Amendment.

Mr. PLUNKET trusted that the Government would accept the Amendment, which was supported by so many hon. Members interested in the subject on the Conservative side of the House. The object they had in pressing on the Amendment was to render the Court a perfectly impartial tribunal between landlord and tenant. No difference should be observed between a case where the rent was raised in the interest of the landlord or lowered in the interest of the tenant. In the latter case, as the Bill now stood, the change would take immediate effect, whereas in the former case it would not take effect until notice had been served on the tenant by the landlord. The object of this Amendment was to obviate the necessity of serving that notice. He could not conceive the logic of the clause, which was said to be entirely in the interest of peace and good will between landlord and tenant, unless the landlords — who might be excellent in all respects—were allowed to avail themselves at once of a change made in their own favour, while that privilege was allowed to the tenants. The difficulty raised by the hon. Member who had just spoken (Mr. Brodrick) was a very serious one. He had been discussing this clause with some of his Friends, and they were all at a loss to know how it would work in the event of its being applied to an Ulster tenancy. It was obvious that it would give rise to a great deal of uncertainty and doubt in the event of the provision in sub-section 6 being availed of.

Sir THOMAS ACLAND said, he had been a silent spectator of these proceedings hitherto, but he could not help protesting against the disparaging imputation which had been cast upon Her Majesty's Government by the noble Lord opposite (Lord Randolph Churchill). The Government had prepared this elaborate clause and had put in provisions expressly to enable a landlord, who was entitled to a higher rent than he received, to forego that higher rent without being placed in a worse position for so doing. If hon. Members opposite did not like this provision let them say so; but do not let young men get up and accuse much older and wiser men than themselves of having put words into the clause for the purpose of fixing odium upon the landlords.

Lord RANDOLPH CHURCHILL said, what he had stated was that it might appear that the Government were throwing an invidious and odious task upon the landlords.

Sir THOMAS ACLAND said, that the noble Lord, who, no doubt, had a great future before him, would find it of advantage to learn a little more caution. The Government had prepared a very careful and elaborate provision to save the landlords from the objectionable alternative of having to raise their rent or to lose their right. If those interested in property in Ireland did not like the provision, and thought the notice put them in a false position, the Government could have no object in pressing it upon them. The clause seemed to him to have been prepared with great care; and, certainly, if he might place himself in the position of an Irish landlord, he should like to have the option left to him of exercising or not, as he thought fit, his right to raise or not to raise his rent.

Sir STAFFORD NORTHCOTE: I must say that I think this controversy is being conducted in a very curious manner. My noble Friend (Lord Randolph Churchill), and my hon. Friend behind me (Mr. Brodrick), have raised a question which, on the face of it, appears to be extremely well deserving of consideration —namely, whether it is not a reasonable, natural, and lenient course, if a judicial rent is fixed by the Court, to give effect to the judicial rent as soon as the Court has decided, instead of making a distinction between the case in which the rent has been found to be in excess of what it should be in the opinion of the Court, and a case in which the rent has been found to be too low? The question has been raised in a very temperate spirit. It has been argued by my noble Friend, and by my hon. Friend behind me—who speaks with considerable knowledge of the circumstances of Irish land—but, when all these things have been said, the Government make no sign whatever. Instead of that, up gets my hon. Colleague. He says very little as to the merits of the proposal. What he chiefly has to say is a rebuke of my noble Friend, which, I have no doubt, my noble Friend will survive. I think we are entitled to have an explanation from Her Majesty's Government as to why they think it is necessary to retain these complicated provisions in place of the Amendment now submitted to them. The *onus probandi* clearly lies with the Government.

Mr. GLADSTONE: If the noble Lord the Member for Woodstock (Lord Randolph Churchill) has had the misfortune to receive a rebuke from my hon. Friend, he has had the advantage of receiving a compliment from the right hon. Gentleman. The right hon. Gentleman has referred to the very temperate manner in which the question has been raised and argued; but the "temperate manner" of the noble Lord was to declare that this provision is so irrational that it appears to have been devised by Her

Majesty's Government for the purpose of bringing odium on the landlords, and for that the noble Lord received a compliment from the right hon. Gentleman. I quite admit the justice of the right hon. Gentleman's statement that Her Majesty's Government should express their opinion on these clauses, and state their motive for introducing them—which I am now proceeding to do. But the right hon. Gentleman knows very well that it is desirable for the promoters of the Bill to gather, with respect to certain clauses, the sense of the Committee before committing themselves definitely to a particular course with regard to them. That was exactly the consideration which kept us silent until we had heard expressions of opinion from the quarter of the House which represents those for whose benefit these sub-sections were framed. They were framed by us with a view very contradictory to that proposed by the noble Lord. They were framed, I will not say to meet the interests of the Irish landlords, but for the purpose of satisfying and largely meeting the feelings which have been described as swaying large classes of the Irish landlords, and which deserve every respect. It has been stated that these sub-sections are elaborate, and I quite agree that that is an objection. I admit, also, that hon. Gentlemen opposite may have some grounds for objecting to the landlord being called on to serve a notice on the tenant when the Court had raised the rent. But I should like to mention one or two points before the Committee makes up its mind as to the object with which these sub-sections were introduced. And, first, let me say that I cannot see the force of the argument of the hon. Member for Surrey as to the interest of the tenant. The hon. Member has said that a tenant will give a higher price for the tenant right on the consideration that the rent is lower than the judicial rent, and that directly afterwards he may find that the rent is raised on him. I have not the slightest apprehension on this subject, for no tenant, I should think, would be so short-sighted as to give a high sum for the tenant right in consideration of the rent being low when he knows that the landlord can raise the rent at any moment. The noble Lord is under a mistake when he says that all the operations must be the result of a previous conflict between the landlord and tenant. If such were the case, I admit there would be great force in the noble Lord's contention. But it is not so, because what will happen is this. That in a great many cases where the rent is a reasonable rent the tenant will require to know something as to the stability of that rent. He will go to the Court to get his rent judicially fixed, because, as has often, with justice, been said in these debates, he knows perfectly well that though he may be a good landlord now the present landlord may shortly disappear, and he may come under someone in whom he has not so much confidence. The tenant will, therefore, go into Court, not because he has had a quarrel with his landlord, but because he wants stability and desires to know what is the maximum he can be called upon to pay. He may do it at the time the landlord is asking from him a rent lower than that he knows the Court will fix. He will go into the Court without the slightest hostility to the landlord, and then the sub-section will operate. It is said that many landlords in Ireland think fit to charge a rent lower than the law of fair rents would allow them. There are, no doubt, a number—and not an insignificant number—of landlords who are content to take, and, perhaps, take a pride in accepting, a less rent than the law would give them. I would ask why should we compel such landlords to raise the rents, or have the tenant rights sold at an elevated price? These sub-sections have been devised distinctly in the interest of this class of landlords. In cases where the landlord is taking a less rent than the Court allows, after the Court has been appealed to, he may continue to charge the same low rent. We put it in his power to prevent the tenancy being sold at a less rent than the judicial rent. The Government attach importance to these sub-clauses, and really consider that the tenant has no very distinct interest in them, and that it is a matter in which we should wish to follow and consult the feelings of those who may be fairly supposed to speak in this House from the point of view which the landlord would be likely to take. Under the circumstances, I am quite willing to take any course that may be agreeable to the Committee. If hon. Members desire it, we will let the matter stand over for further consideration.

MR. MITCHELL HENRY said, he should infinitely prefer the proposed clause to those it was sought to strike out, and that in the interest of the tenant himself. With reference to what the Prime Minister had said, he thought the working of the clause would be this—Where the tenant was under a good landlord, and for years he and his family had only been called on to pay a reasonable rent, he would not dispute the matter. He would not go into Court until a change took place in the landlord, or until a demand was made of him for an increased rent. He would think it desirable, both in his own interest and that of the landlord, that their relations should contiune to remain undisturbed without litigation. On the other hand, suppose the tenant did go into Court, he would be made to feel the responsibility of his action. He (Mr. Mitchell Henry) did not want the tenant to be treated like a child. No one could suppose that the tenant would go into the Court until there had been a conversation, probably many conversations, between himself and his landlord with regard to the rent. If the landlord demonstrated, or endeavoured to demonstrate to the tenant that the rent was reasonable, and it was proved by the action of the Court in raising the rent that the landlord was more than right in saying that the rent was reasonable, the tenant ought to bear the consequences. These sub-clauses were open to two very great objections. If they did anything at all they would increase litigation. They would be a sort of lottery—they would hold out a kind of promise to every tenant in Ireland to induce him, whether his rent was fair and reasonable or not, to try his chances in the Court. That, he thought, was extremely objectionable. Then, if it was proved that the tenant's contention was unreasonable, and his rent was absolutely lower than the landlord and the Court thought was just, the tenant should take the consequences. What, therefore, would be the result of passing the clauses? He believed they would be inoperative. He did not believe that where the rent was reasonable and the tenant went into the Court and complained, even then the Court in one case out of a thousand would raise it. But, if the Court did so, why should not the tenant take the consequences of going to the Court? It was not imperative on the landlord to take the increase. He might say to his tenant—"I think you were very unreasonble in this matter; you have put me to great inconvenience; you have altered our relations; but, at the same time, I will only exact the increased rent for such a length of time as will pay the expense you have put me to; after that our relations shall remain as they were." But the sub-sections would tell the tenant that even if the case had gone against him he had still a chance of getting off by having the matter put in abeyance until the estate was sold. Another effect of the sub-clauses would be that the tenant would not be able to look his landlord straight in the face in consequence of their own action. He had argued in the same way on the question of the dilapidations of buildings. If tenants allowed buildings on their farms to get into a state of dilapidation let them bear the consequences, and if they dragged the landlords into Court unreasonably let them equally bear the consequences. He hoped, therefore, that the Government would strike out the sub-clauses.

LORD GEORGE HAMILTON said, that if this Amendment were rejected, and the sub-section were passed in its entirety, they would then have to consider the two sub-sections that followed, and he was sure they would find that there were a number of difficulties connected with those sub-sections for which they had not made provision. It must be recollected that this Bill would very much increase the difficulty of settling the respective rights of the landlord and tenant in each tenancy. Hitherto tenant right had meant that the tenant had a right of sale or interest in his holding subject to the rent imposed by the landlord. Now, however, they had set up a Court which was to establish a statutory rent, and every single landlord from one end of Ireland to the other was entitled to the statutory rent which the Court might impose upon his property. Therefore, in all cases where the rent was less than the statutory rent, the difference would be a saleable commodity, the value of which the tenant would be able to realize when he sold the tenant right unless the landlord interfered. The hon. Member for West Surrey (Mr. Brodrick) had said that under the subsequent sub-sections injustice would be done to an incoming tenant. He (Lord George Hamilton) was sure that would be the case. The value of the tenant right, of course, very much depended upon the rent. The lower the rent the higher the tenant right; therefore, wherever the rent was less than the statutory rent the tenant right would be higher than where the statutory rent was charged. Thus, an outgoing tenant would sell to his successor that portion of the rent—namely, the difference between the rent imposed and the statutory rent which this Bill said belonged to the landlord. The outgoing tenant would receive twofold compensation. He had had the advantage of paying a less rent than might have been asked, and because he had paid less rent he received compensation from his successor when he left. The incoming tenant, on the other hand, would be liable to have his rent raised to the statutory level, though he had paid to the outgoing tenant a sum to free him from that liability. The net result was that the outgoing tenant would be twice compensated for what did not belong to him, and the incoming tenant would have paid for that which was never given to him. The landlord would step in and say—"The tenant has sold something that belongs to me;" and then the Court would have to decide between the tenant who had sold something and the other tenant who had bought something. If at the end of this complicated transaction the Court decided that the landlord was entitled to a portion of the tenant right, he would have to get from the outgoing tenant that sum which the incoming tenant had paid that outgoing tenant. Then would arise the question whether the landlord would be precluded in consequence of the sum he thus received from raising the rent. If he retained that right, the incoming tenant had paid money for nothing. Practically, this had been done; and it seemed to him that the landlord was always entitled to raise his rent to the statutory level during the statutory term. Suppose the landlord obtained this compensation, the incoming tenant had been done. He was afraid the result of the Bill would be in a certain case to force the landlords to raise the rents.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that all these calculations were based upon what he could not help regarding as an entire fallacy—namely, on the assumption that the incoming tenant, who knew that the landlord had obtained a judicial declaration from the Court which would enable him to raise the rent, would be fool enough to buy the tenancy on the expectation that the rent would never be increased.

LORD RANDOLPH CHURCHILL said, the outgoing tenant would say to the incoming tenant—"The landlord has got a judicial declaration; but he is so good that he does not charge me the rent that the Court said he could charge me—or, at least, he has not done for four or five years." If the incoming tenant bought on the strength of that statement, he would not be such a fool; on the contrary, he would be proving himself to be a wise man, because he would buy knowing that the landlord would be certain to treat him well. He wished to point out to the Prime Minister that he had made the statement that it was not necessary that the action under this clause between the landlord and tenant should be a hostile action. On the contrary, he (Lord Randolph Churchill) believed that it would be absolutely hostile. If the tenant only wanted to get stability, and the landlord was a good landlord, the two might come to an agreement under Clause 9. They could agree to create a fixed tenancy, and they need not bother themselves about the Court at all. All the arrangements that would take place under this Bill would be hostile. [An hon. MEMBER: You can have arbitration.] No doubt there could be arbitration; but the whole of the action under this clause would be hostile. Therefore, he thought the arguments of the Prime Minister on this point were answered. With regard to the observation of the hon. Member for North Devon (Sir Thomas Acland), he took it in good part; but sometimes a rebuke of that kind, whether merited or unmerited, led to prolonged controversy.

SIR GEORGE CAMPBELL said, that the generous landlord who was inclined to take less than the law allowed him could always do so. The Amendment would simplify the Bill very much without injuring it; therefore, he hoped it would be accepted.

SIR WILLIAM PALLISER said, it seemed to him that the acceptance of the Amendment would have the effect of simplifying and facilitating the progress of the Bill. It would have the effect of enabling them to get rid, at one stroke, of at least 20 Amendments, all of which might otherwise have to be discussed.

Mr. SHAW said, he looked upon the clause as very much in the interest of the landlord. He could say, from his own knowledge and experience, that there were many landlords in Ireland who desired to treat their tenants generously, and who would not, after the passing of this Bill, make any rush to raise their rents. Many of these landlords had lived on good terms with their tenants for generations, and desired to continue on those terms; and even where the tenant, owing to some temporary excitement, and thinking he could get his rent reduced, went into the Court, and instead of getting a reduction got a declaration that the rent should be raised, the landlords might not avail themselves of that declaration. The real object of this clause was to give the landlord an increase of rent against an incoming tenant if he thought it right to charge it and the Court allowed it. He (Mr. Shaw) could not imagine how, in the interests of the landlords, these clauses could be objected to. He should like to hear the opinions of the Irish landlords on the matter. He did not think that the Irish landlords wished for the rejection of these words, and thought that valuable time would be wasted in farther discussion upon the question.

Mr. T. P. O'CONNOR said, that hon. Members who represented the Irish landlords claimed to be actuated by feelings of the greatest benevolence towards the tenants; but the object of this Amendment was to make their benevolence permissive. It would seem, therefore, that those hon. Members who were continually insisting upon the benevolence of their intentions were afraid to allow it voluntary action. He suggested to Her Majesty's Government that it would be a great saving of time to put the question to a division at once.

Mr. CHAPLIN wished to point out that the statement of the Prime Minister in one respect opened up quite a new view of the effect which this clause would have. He thought both sides of the Committee would agree that inevitable difficulty and confusion would arise if anything like the majority of the tenants of Ireland went into Court at once. In mitigation of this it had been pointed out that a great number, if not a majority, of tenants were low rented, and it had been confidently expected by the Government that in no circumstances would the low-rented tenants go into Court. But it was now said that the low-rented tenants would go into Court in order to obtain stability; and as the high-rented tenants would, undoubtedly, do the same for the purpose of getting their rent reduced, there would be 600,000 tenants going into Court immediately the Bill passed.

Mr. GLADSTONE: I have never stated that all the low-rented tenants would go into Court; I said that many individual tenants would do so.

Mr. LITTON said, he did not attach much importance to these supplementary sub-sections; and, on the whole, he believed, in the interest of the tenant, they would be better omitted. He thought it was far better that the tenant should understand that the judicial rent had to be paid, than that he should be under the impression that it would be allowed to accumulate.

Mr. PLUNKET said, the Representatives of the Irish landlords certainly regarded this clause with a good deal of embarrassment. They saw that in certain cases an opportunity would be afforded to persons to act in the manner indicated by the hon. and learned Member for Tyrone (Mr. Litton); but they also saw that the retention of the words would lead to the necessity of their serving a notice at every step, if they wanted to get the judicial rent, and that was the reason why they were in favour of striking out these sections.

Mr. GLADSTONE said, the proposal of the Government was made in good faith; but experience showed that there was sometimes no greater mistake than to attempt to do kindnesses that were not recognized. After what had been said, he was prepared to accept the Amendment on the Paper with the consequential Amendment.

Mr. BIGGAR thought the Government ought not to agree to an Amendment unless some strong reasons were advanced in favour of it, which had by no means been the case in the present instance. He agreed if a landlord charged less than a reasonable rent that, at the time of sale, he should receive a certain sum out of the purchase money. The clause appeared to him much more in favour of the landlord than the tenant, and he was not opposed to its being struck out of the Bill.

Mr. A. MOORE said, it was clear that the meaning of the sub-section was that if the rent was kept low the landlord should not be a loser when a sale took place.

Sir JOSEPH M'KENNA said, he was in favour of the Amendment because, without some such provision under the sub-section, a landlord who had charged a low rent would, when the tenant came to sell, be able to swamp the tenant right altogether by the accumulation of the amounts he had hitherto declined to look for.

Mr. LEAMY said, he had always thought that the way in which tenant right in Ireland was swamped was by the rent being increased. The whole effect of the sub-section was that if a decree was given that the rent ought to be higher than the tenant was paying, the tenant should, upon notice from the landlord, pay the increased rent from the next rent day; but that if the landlord did not claim it, the landlord should receive some compensation. The retention of the clause could do no harm to the landlord.

Captain AYLMER said, the Amendment had been spoken of as being brought forward by an English Member; but the hon. Member who made that remark must known that he was as much connected with Irish land as any Member of the House.

Mr. TOTTENHAM said, that the strongest arguments in favour of the Amendment appeared to him to have come from those hon. Members who had spoken in opposition to it from both sides of the House.

Question put.

The Committee *divided:*—Ayes 35; Noes 371: Majority 336.—(Div. List, No. 281.)

Amendment proposed, in page 7, line 14, omit from "is" to "rent" in line 15.—(*Captain Aylmer.*)

Mr. T. P. O'CONNOR protested against the action of the Government with regard to Amendments proposed from the Conservative Benches. It was plainly in the interest of the tenant that the landlord should have the choice of charging the higher judicial rent. He agreed with the noble Lord the Member for Woodstock (Lord Randolph Churchill) that the clause as it originally stood would throw odium upon the landlord in his endeavour to get an additional rent, because the final choice then rested with the landlord. The Amendment which the Government had agreed to accept, however, would transfer the whole matter to the Court; and, inasmuch as his object was to throw as much odium as possible upon the landlord who raised the tenant's rent, he very much regretted the change sanctioned by the Government. Irish Members had now become perfectly familiar with such changes on the part of the Government. The moment an hon. Member got up from the Conservative Benches to say that unless assent were given to a particular Amendment a number of others would follow, the Prime Minister became as soft as wax, so to speak, in the hands of the Conservative Party. He could not but think, if the Attorney General for Ireland were allowed to have the final word with reference to these Amendments, that Business would proceed more satisfactorily, because, when the right hon. and learned Gentleman was allowed to speak, he always advanced something like a firm and rational argument in support of his view; while, on the other hand, the Prime Minister, who had not that steadiness of purpose which characterized the Celtic mind, and was, perhaps, influenced a little by his prejudices as an Englishman, at once yielded to the wishes of the Conservative Party. Still, he did not think the right hon. Gentleman was so much to blame as the hon. Members for Tyrone and Galway, who gave him a push whenever they saw him about to yield to the Conservative Party against the interest of the Irish tenants. He thought that the Irish people would be able to understand both the action of the Prime Minister and that of the two hon. Members to whom he had referred.

Amendment *agreed to.*

Amendment proposed, in page 7, line 17, leave out "next succeeding."—(*Mr. Plunket.*)

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he had no objection to the omission of these words.

Mr. CALLAN was by no means satisfied that this was but a verbal Amendment. When the Bill was framed some meaning was undoubtedly attached to the words "next succeeding," and it was difficult to understand why they were so readily given up. He had a strong objection to the hasty adoption of so-called verbal Amendments; and he remembered that during the passage of the Act of 1870 several Amendments of the kind were admitted which afterwards worked injury to the Irish tenants. For his own part, he viewed with suspicion any Amendment to an Irish Bill which came from the Conservative Benches.

Amendment *agreed to.*

On the Motion of Mr. Plunket, Amendment made, in page 7, line 17, after "day," by inserting "next succeeding the decision of the Court."

On the Motion of Captain Aylmer, Amendment made, in page 7, by leaving out sub-sections 5 and 6.

Lord EDMOND FITZMAURICE said, that some discussion had already taken place with reference to the subject of labourers' cottages. When the question was raised by his hon. Friend the Member for Cambridge (Mr. W. Fowler), the Government stated it would be more convenient if the discussion took place in connection with the 7th sub-section of the present clause. The Committee would observe that the effect of that portion of the sub-section which he proposed to strike out was to make an exception in regard to the first 15 years of the statutory term obtained in the manner referred to in the 1st sub-section of the clause. He was quite at a loss to understand why this exception should be made. If it was right for the landlord to take any portion of the holding for the purposes mentioned, when the statutory term had arisen, in consequence of the increased rent demanded by the landlord having been accepted by the tenant, it appeared to him right that he should do so when the statutory term arose in the manner contemplated by the present clause. Then, again, if the right was given to the landlord during the second period of 15 years, why should it not be given to him during the first period of 15 years? The whole procedure appeared to him to be of an arbitrary character, and the work of some ingenious person outside the House, rather than that of a practical statesman. On the whole, he concluded that the Government did not attach very great importance to the words, and that their omission would tend to the simplification of the Bill.

Amendment proposed, in page 7, line 40, to leave out all the words after the word "landlord," to the end of sub-section 7.—(*Lord Edmond Fitzmaurice.*)

Question proposed, "That the words 'with this modification, that during the statutory term in a,' stand part of the Clause."

Mr. PARNELL wished to point out to the Committee the great danger which lay in propositions intended to give the landlord a right to interfere with the holding of his tenant. Already in Ireland a movement had been started for the purpose of protecting the interest of labourers in the soil, and he thought it very proper that the interest of the labourer should be protected, and that some provision should be made for the purpose of helping him in his hard lot in life. But it was exceedingly dangerous, under cover of protecting the labourer, to give power to the landlord to come in and set the labouring class against the tenant. A disposition already existed in Ireland to create disputes between those classes; and if the Amendment of the noble Lord were adopted, he feared that the result would be that the labourers would be used as an irritating force, and that when a landlord had a tenant who displeased him, and whom he wished to influence in any way, he would threaten to resume a part of the tenant's farm for the purpose of providing for labourers whom he would plant on the farm, and over whom the tenant would have no control whatever. Therefore, he submitted that the tenant should hesitate before adopting the very dangerous modification of the Bill urged by the noble Lord.

Mr. CARTWRIGHT pointed out that the observations of the hon. Member for the City of Cork (Mr. Parnell) were entirely outside the argument of the noble Lord. The argument of his noble Friend was based upon the arbitrary distinction made between the two forms of statutory tenancy, created by the Bill under different conditions, in respect of the landlord's power of resuming land for certain specific purposes.

Dr. COMMINS said, if the stability of tenure which this clause proposed to give was to be anything more than a sham, the words which the noble Lord wished to be struck out ought to be retained in the section. He admitted that there were some exceedingly good landlords in Ireland; but, on the other hand, there were others who deserved the description applied to them in *The Times*—that they exacted their rights with hands of iron, and neglected their duties with foreheads of brass. It was to protect the tenants of Ireland from such landlords as those that this 15 years' stability was comtemplated by the clause, and which was the central provision of the Bill. What was to become of that security which the tenants in the North of Ireland were willing to buy at 10, 20, and even 50 years' purchase if this power of resumption was to be allowed to the landlord? This was not paid for improvements, nor so much for possession, as for security from the landlord's exactions, and the possibility of capricious and unjust eviction. If this part of the sub-section were taken away, there would be no security whatever for any of the Irish tenantry; for immediately the Act came into force, those landlords who neglected their duties with foreheads of brass would develop an interest in the labourer, and, under the pretext of furnishing him with cottages and gardens, would apply to the Court for permission to resume possession of their farms. It was admitted to be a good thing that cottages should be built for labourers, and that gardens should be given to them; but was it to be supposed for a moment that the only place where a cottage could be built was upon the estate of a rack-renting landlord, whose tenants had been obliged to bring him into Court, and whose rent had been thereby reduced 20 or 30 per cent? There were plenty of places where that could be done, without giving the rack-renting landlord the opportunity of seizing upon a portion of the holding of a tenant who had brought him into Court and exposed him, in order to save himself from exaction. He contended that a landlord so situated, and smarting under the decree of the Court, would not be long without finding a labourer who wanted a cottage in the neighbourhood; and, under the pretext of supplying that want, he would make application to the Court for permission to resume possession of the tenant's holding. For these reasons he was opposed to the Amendment of the noble Lord opposite, which would remove one of the most valuable features of the Bill.

Mr. W. E. FORSTER thought the question had turned too much on the resumption of part of the holding for the erection of labourers' cottages. The sub-section began with a declaration that the tenancy during the first 15 years after the fixing of a judicial rent would be subject to statutory conditions. A special modification was then introduced, and his noble Friend asked why that modification was made to apply only to tenants during the first 15 years? The reason was that Her Majesty's Government wished to give confidence to the tenant in his fixity of tenure during that period. He reminded the Committee that there was a far more important reason for resumption than that for the purpose of erecting cottages—namely, where it had relation to the good of the holding; and that there would be more resumptions upon that ground than any other. He trusted the Committee would consider this Amendment, with reference to the main feature of the clause.

Mr. W. H. SMITH said, he had listened with great interest to the explanation of the right hon. Gentleman the Chief Secretary for Ireland, but still failed to see why there should be any different conditions applied to the statutory term which gave an increase of rent to the landlord and the statutory term which gave none. The Committee had passed a provision that—

> "During the continuance of a statutory term in a tenancy consequent on an increase of rent by the landlord, the Court may, on the application of the landlord, and upon being satisfied that he is desirous of resuming the holding, or part thereof, for some reasonable and sufficient purpose, having relation to the good of the holding, or of the estate, or for the benefit of the labourers in respect of cottages, gardens, or allotments, authorize the resumption thereof by the landlord upon such conditions as the Court may think fit, and require the tenant to sell his tenancy, in the whole or such part, to the landlord, upon such terms as may be approved by the Court as being full compensation to the tenant."

The right hon. Gentleman had very properly laid great stress upon the fact that this was a provision where the increase of rent was obtained by the landlord, and which gave the landlord power to effect necessary improvements on the holding, or on the estate—improvements which were as necessary in the interest of the tenant as in that of the landlord. He (Mr. W. H. Smith) pointed out that there were improvements which were probably more necessary to the tenant than the landlord, such as roads, or works of that kind, and the landlord was to have the power of resumption for such purposes if he obtained an increase of rent from the tenant, while, under the sub-section before the Committee, the Court was not allowed to give him that power during the first statutory term of 15 years. That appeared to him to be an unwise and unnecessary restriction, inasmuch as it would tend to check improvement and outlay on the part of the landlord, and to retard, in consequence, that development of Irish agricultural resources which they were all anxious to bring about. He could not but feel that if the Court was trusted in the one case it ought also to be trusted in the other; and that this restriction, which was neither for the interest of the tenant nor for the interest of the landlord, ought not to be maintained.

Colonel COLTHURST appealed to the Government not to carry any further the objectionable principle of resumption on the part of the landlord. He thought the power of resumption ought not to be given at all; but as it had been conceded, to a certain extent, in the Bill, he would only express a hope that it would be confined to as limited an area as possible.

Mr. SYNAN said, he wished to point out, in reply to the inquiry as to why a distinction had been set up between the two kinds of statutory tenancies, that the power of resumption had been given to the landlord in the case of the statutory term which arose out of the agreement between the landlord and tenant, because it was not inconsistent with such an agreement, and because the tenant, under those circumstances, might be supposed to have confidence that it would not be used for any hostile purpose by the landlord. But the statutory term referred to by this sub-section was created by the Court, subject to certain conditions; and the tenant, having power to sell during the 15 years, would, unless this part of the section were retained, find the value of the tenancy reduced to zero by the landlord's power of resumption. With regard to the labourers, he regretted that their case had been dragged into the present discussion, although their welfare was as much connected with the interest of the tenant as with the interest of the landlord; and it was not for their good that the value of tenancies in Ireland should be reduced by the landlord having power to resume possession of the tenant's holding.

Mr. GLADSTONE: I do not consider that we are, at this moment, confining ourselves to the discussion of the question as to whether the words at the end of this clause, beginning "with this modification" and ending with the words "shall not be entertained by the Court," might not undergo some Amendment. The Committee may wish to raise the question whether there should be the power of resumption for special purposes, such as the purpose of labourers' cottages, within the first statutory term, consequent upon the fixing of a judicial rent. I do not, however, enter into that. I understand the contention of the noble Lord to be that the first statutory term should be like all other statutory terms, as regards the power of resumption by the landlord. The Government propose to make the first statutory term under a judicial rent an exception to the general rule, and we are asked why we make that exception. It is in order to attain the main purpose of the Bill—namely, the composing of differences and the settlement of relations between class and class in Ireland. We do not require to make any proposals for composing differences where the parties are already agreed and understand one another. Where there is an increase of rent proposed by the landlord, and consented to by the tenant, there would be no difference or disturbance between the parties, and the only reason why we introduce the statutory term in this case is in order that the tenant may not be annoyed by another increase of rent after a short interval. But the rule would be totally different where the rent is fixed judiciously. Whatever cases there are, and their number is not small, where the relations between landlord and tenant in Ireland are disturbed, those relations will settle themselves through the Court, and the judicial rent settled by the Court is to be followed by a statutory term, which is imposed not merely for the purpose of ending uncertainty, but also for the purpose of putting an end to a disturbed and unsettled state of things. Therefore, I think it is wise to introduce an exceptional provision to say that the power of the landlord to resume shall be suspended during that term in order to give confidence to the tenant.

Sir R. ASSHETON CROSS said, that a few hours ago the Prime Minister stated that under this Bill a large number of people would go into Court without any hostile feeling to the landlord for the purpose of getting the statutory term. Why, then, should not the landlord have the power of resumption under these circumstances, with the safeguards provided by the Bill in the case of the statutory term arising out of the agreement between the landlord and tenant? Under those provisions he would not apply to the Court to resume except he could show that he wanted to carry out something for the good of the holding, the estate, or the labourers; and all that would have to be proved before the Court would grant the power of resumption. He was quite unable to see the reason for the distinction that had been set up between this clause and Clause 4, which had already been passed by the Committee; and he was bound to say that his difficulty in that respect had not in the least been removed by the last observations of the Prime Minister, especially when coupled with the statement of the right hon. Gentleman, to which he had referred—namely, that a large number of persons would go into Court for the purpose of getting stability.

Mr. W. FOWLER said, he had never been able to understand why the statutory term should carry certain consequences in one case and not in the other. Looking at all the circumstances, it could hardly be supposed that the arrangements connected with the acceptance of an increase of rent by the tenant would always be of a perfectly friendly character. The Committee could not feel too strongly that the resumption of possession, under Clause 4 of the Bill, could take place only in the most qualified manner; and, therefore, there was little danger in applying it to all terms alike. He was quite unable to understand why the Court should not have power to grant resumption to the landlord under the statutory term arising out of the fixing of rent by the Court, while they had power to do so in the case of the statutory term created by agreement between the landlord and tenant. The hon. Member for Limerick (Mr. Synan) had tried to explain that there was an extraordinary difference between the two cases; but he (Mr. W. Fowler) was utterly unable at that moment to see in what the difference consisted. They were bound to assume, having passed the 4th clause, that resumption of possession in certain cases was right; but they were, by this part of the sub-section, asked to say that there should be no power of resumption whatever in the vast number of terms which would be created by the Court under this clause. He was not prepared to say that the landlord should not have power to get back his land for 15 years; and, as at present advised, he could not see that sufficient reason had been shown for establishing this remarkable distinction.

Mr. MARUM said, the omission of the modification of this clause would deprive the tenant of 15 years' security of tenure, and it was not to be wondered at that Irish Members met the proposal of the noble Lord with hostility. If the power of resumption were given to the landlord in the present case he would be able to use it as a deterrent whenever the landlord went in for a judicial rent.

Mr. SHAW said, he was entirely against the power of resumption, and against anything which would limit the security of the tenant farmer. It would probably meet the case if the power of resumption were given to the landlord for the erection of labourers' cottages; but the Court should have before it a clear and not a mere speculative case on the part of the landlord. He hoped the noble Lord would not press his Amendment.

Mr. FITZPATRICK said, as far as he could gather after reading the subsection in connection with the speech of the Prime Minister, the effect of this distinction was to urge the tenant to go into Court and not come to an amicable agreement with the landlord. Therefore, he thought as the Amendment of the noble Lord opposite tended to lessen the business of the Court, by facilitating an amicable agreement between the landlord and tenant, it ought to be accepted. From his own experience of Ireland, having lived there all his life, he did not think there would be many instances in which the landlord would incur the odium of the district by resuming possession of a holding while, at the same time, paying heavily for it.

MR. EVANS said, he thought it was desirable that an understanding should be arrived at without taking a division. There seemed to be differences of opinion that were not very considerable, and he thought the Committee would do well to adopt the suggestion of the right hon. Gentleman.

MR. HENEAGE thought it was during the first term that the landlord would want, if at all, to take back the land if labourers' cottages were to be built. Something ought to be done when labourers' cottages were required and tenants would not provide them. But after hearing the discussion, he thought the suggestion of the Prime Minister might be favourably considered, on the practical view of the position that half a loaf was better than no bread. He would, therefore, advise the noble Lord not to press his Amendment.

MR. GIVAN said, the explanations of the Prime Minister had convinced him that this was not the place to discuss this question, and that they would have an opportunity by-and-bye of fairly considering how the claims of the labourers might be met on the proposal which the Government would bring forward at a later stage of the Bill; and he, therefore, joined in requesting the noble Lord to withdraw his Amendment, and not prejudice the matter to be hereafter considered. As to the new-born zeal displayed for the labourers, he might mention that within the last two or three days he had received a letter from Ireland, stating that if their new friends went on in their present advocacy the labourers intended to hold mass meetings for the purpose of praying that they might be delivered from them.

MR. CHAPLIN remarked, that the hon. Member for Grimsby (Mr. Heneage) prided himself upon taking a practical view; but how far was it a practical view to speak strongly in favour of the Amendment, and then advise its withdrawal? He (Mr. Chaplin) hoped the noble Lord would not accept the alternative suggestion made, and would not withdraw his Amendment. Why should there not be this power to resume for purposes having relation to the good of the estate? It would be as flagrant an act of confiscation of the property of the landlord to take it away as anything he had heard of. He hoped the Amendment would be pressed to a division, and he certainly should resist its withdrawal.

LORD EDMOND FITZMAURICE said, of course he was in the hands of the Committee; and if there was a wish, especially among those with whom he usually acted, that he should withdraw his Amendment, he was quite willing to follow out the principle mentioned by the hon. Member for Grimsby, and accept the half loaf when he could not get the whole. But what he wanted now to know, and he put the question to the Chairman, was, whether his Amendment could be put in such a shape as not to prevent his bringing up words on the top of the next page which would enable the case of the labourers to be dealt with specifically, assuming that his Amendment was not now accepted by the Committee? He had no wish to force the Committee to divide; but, at the same time, he did not mean to run away from his Amendment.

THE CHAIRMAN: In answer to the question of the noble Lord, it will be quite competent for him at a future stage, to move his Amendment. There will be no difficulty at all.

Question put.

The Committee *divided*:—Ayes 226; Noes 146: Majority 80.—(Div. List, No. 282.)

And it being ten minutes before Seven of the clock the Committee suspended its Sitting.

The Committee resumed its Sitting at Nine of the clock.

LAND LAW (IRELAND) BILL.

Progress *resumed.*

LORD RANDOLPH CHURCHILL moved, in page 7, line 44, to leave out the word "for" to the second "or," page 8, line 1, in order to insert the word "except," so that the clause would read—

> "Application by the landlord to authorise the resumption of the holding by him except for the benefit of the labourers in respect of cottages, gardens, or allotments,"

shall not entertained by the Court. That he believed to have been the decision arrived at before the Committee adjourned.

Amendment proposed, in page 7, line 44, to leave out the word "for" to the second "or," in page 8, line 1.—(*Lord Randolph Churchill.*)

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, it would be necessary to insert after "holding" the words "or part thereof." He begged to move the insertion of these words in the Amendment.

Question, "That the words 'or part thereof' be inserted after the word 'holding,'" put, and *agreed to.*

Question proposed, "That the Amendment, as amended, stand part of the Bill."

MR. PARNELL understood that the Government were assenting to this Amendment. Well, he was very sorry that this question about the labourers should so continually be in the Bill, and he regretted it, because he thought it would have facilitated matters very much if the Government had placed their proposed Amendment with regard to the labourer on the Paper. He thought that the power given to the landlords to resume the land of their tenants for the benefit of their labourers was a most objectionable one, and, as he stated earlier in the day, one which was calculated to give rise to conflicts between two classes—the labourers and the tenants—in Ireland. What he would suggest as an alternative would be that power should be given to some independent body—neither landlords nor tenants—to resume land under the provisions of this section, to except land from the statutory term, so that if it was found in one district that there was not sufficient accommodation for the labourers it might be possible to take from the tenant a sufficiency of land for the purpose of providing accommodation; and with that view he handed in to the Chairman, at the close of the Sitting, when he knew that the question of the labourers was to come up again, an Amendment, which he proposed to move at the end of sub-section 7, after the word "Court," to add these words—

> "Subject to the provisions hereinafter enacted in that behalf for the benefit of the labourers in respect of cottages, gardens, or allotments."

The adoption of such a provision would leave it open to the Committee to consider hereafter whether power should be given to the landlords, or some other body, to resume the land under the provisions of this section. The difficulty that he saw in enacting the section without some Amendment was this—that it gave the tenant an absolute statutory term and right in his holding, free from disturbance for any purpose whatever; and if they, without inserting some such provision as that at a future stage of the Bill, decided upon giving some independent body, such as the Commission or the local sanitary authorities of the rural districts, the power of purchasing or resuming possession of land for the benefit of the labourers, it might be held to be a contradiction of the provisions of the sub-section which gave the tenant an absolute right to his holding during the statutory term, free from all interference. He was, by all means, in favour of retaining the power to resume from the tenant whatever land might be found necessary for the benefit of the labourers in any particular district. But he would ask the Committee not to come to a hasty decision as to the authority to be intrusted with this power. By the adoption of the Amendment of the noble Lord the Member for Woodstock they would declare that they gave this power to the landlord. They were not precluded, hereafter in a separate clause, from giving that power to the landlord, if, when the whole subject came to be discussed, and after they had examined alternative schemes, the Committee should decide that it would be best to do so. But they were now in this position—that before they came to the period of the Bill when it was possible to have such alternative propositions as he had suggested—namely, the placing of the power of resumption in some other independent body out of the hands of the landlords, they bound themselves, before they could examine the merits of the proposal, to this plan of giving the landlords the right of this resumption. Of course, they did not preclude themselves from adopting another proposal; but it was exceedingly objectionable to give this power to the landlords. In the past it had been shown to be a very useless power, for the landlords had not used it. They had not resumed it to any extent; and if they did it now it would be for the purpose of annoying the tenants. They would use the labourer as a separate interest against the tenants, and they would be very likely to create a war of classes. In objecting to the Amendment of the noble Lord the Member for Woodstock, he did not object to the power of resuming the land for the labourers; in fact, he was thoroughly in favour of it. But he wished it to be done by some independent tribunal which would be independent of both landlord and tenant, and which would protect the tenant alike from those two classes so far as his little cottage, allotment, and garden went. Let them recollect the nature of the power which they were going to give. At any time the landlord might ask the Court to resume a portion of the ground for the benefit of the labourers in the district; and this resumption might take place under circumstances of great inconvenience to the tenant in a most unusual way. He objected to this Amendment as being, in the present state of the Bill, premature, and as an attempt to settle the labourers' question on wrong lines, which would lead to future dispute between two very important classes in Ireland.

MR. WARTON observed, that when the hon. Member for the City of Cork (Mr. Parnell) spoke of this question being brought in prematurely, and relegating it to some future clause, he seemed to have forgotten that under the 4th clause they had already passed a provision in which land would be resumed for the benefit of the labourers in respect of cottages, gardens, and allotments; and when he spoke of another tribunal, an independent tribunal, he had forgotten that they had already selected a tribunal in this Court as provided by the 4th clause. When they had provided for the labourers in such statutory term, why not provide for the present?

MR. ERRINGTON said, he wished to point out to the Attorney General for Ireland that this very important question arose. The words were very wide, and no direction was given to the Court as to what labourers' resumption was to be made for. Was the resumption made for labourers on the holding alone? Of course, they would be told that the discretion was left to the Court; but he would particularly impress upon the Government that this was one of the points upon which the Court would require a specific direction as to the meaning of the Committee in the present adoption of that power, because it was quite clear that a landlord might apply for power to resume land on a small holding for the benefit of labourers upon other holdings. It was perfectly possible that it might be a convenient thing for the whole estate, and a very convenient thing for the labourers generally, and it might be a very injurious thing for the tenant of the particular holding. He begged, therefore, to ask the Attorney General for Ireland whether the intention was that this power of resumption should be generally for the labourers in the district or for the labourers on the estate or upon the neighbouring holding, or—as he thought it ought to be—only upon the particular holding from which the land was proposed to be taken? If that were so the words ought to be inserted, so as to make it applicable only to the labourers of the particular holding.

MR. CARTWRIGHT remarked, that the hon. Member for the City of Cork (Mr. Parnell) had stated that he objected to this particular Amendment, because it would place in the hands of the landlords the power of resuming, at his own option, the land for the benefit of labourers; but that he had no objection to the alternative scheme of intrusting to what he called an impartial tribunal the decision as to the power of exercising such resumption, and that impartial tribunal he called the Commission. Now, the Commission was the Court, and the Court was the very power, according to the sub-section which they were now discussing, which sat in judgment on any application for resumption on the part of the landlord for a piece of land for the labourer's cottage, garden, or allotment. The hon. Member for the City of Cork would see that he had entirely mistaken the conditions of a statutory term and the provisions of the sub-section under consideration.

MR. T. D. SULLIVAN observed, that if this power of resumption were handed over to the landlords the Government would find themselves in a very considerable difficulty, because the landlords might not act upon it. The labourers' grievance admittedly existed. The Government felt that it would have to deal with it; and if this power of resuming were confided to the landlords the way of the Government was stopped. The landlords had done nothing heretofore, and he did not believe that they were about to do anything under this measure. He did not understand that the landlord class was evincing any interest in this question. If he really thought that the landlords were about to do this benevolence, and if their new-born zeal was real and sincere, if they were very anxious to improve the position of the labourers of Ireland, he would see no objection to this Amendment. But he saw nothing in their history and nothing in their action heretofore to cause him to believe that they had any such intention; and if they got that power and did not act upon it, he did not see how the Government were going to settle this labourers' question.

MR. W. E. FORSTER said, he really thought that the hon. Member who had just spoken had taken away any objection to this section in saying that the landlords would not act upon it. If they did not act upon it there could be no resumption, and there would not be any danger arising from it. The hon. Member also seemed to suppose that the Government thought that the labourers' question would be settled by the adpotion of this clause. The Government did not think so at all. He did not imagine that any Gentleman in the Committee had that idea. Was it to be said that in all other statutory tenancies except this there was to be a power to resume for the good of the labourers? The question was whether they should not reserve the same power here. The Committee would be very glad indeed to reserve fixity of tenure for all the other purposes, and it certainly would be wrong to take away from the labourer the opportunity of the landlord doing something for him by resuming the land for that particular purpose. They had been told that it had that power under Section 4; but still it could not be wrong to make this Bill perfect by making it sure that the landlord had his power. The hon. Member for Westmeath (Mr. T. D. Sullivan) could not object to it, because his argument went to this—that the landlords would not do anything; and if they did nothing there would be no harm done.

MR. MARUM said, he would direct the attention of the Attorney General for Ireland to this. The hon. and learned Member for Dundalk (Mr. Charles Russell) had an Amendment to leave out certain words which would include the subject-matter now before them.

MR. T. P. O'CONNOR thought the hon. and learned Gentleman had not sufficiently appreciated the main objection of his hon. Friend the Member for the City of Cork. They had quite enough of division between classes already, without adding one more. The effect of this clause would be that it would enable the landlords to exploit the labourers against the tenants. He did not know whether that was the object of the Government. [MR. W. E. FORSTER: No.] Well, if that were not the object, might he ask whether that would be the effect of it? What would the landlord do? The landlord would say—"I want this piece of land. I have so many tenants, and I want so many labourers, and I must have cottages for them. Under this clause I demand that the Court may turn you out in order to put labourers in." The tenants might refuse to obey the Court. What would be the consequence? Between that tenant and all the tenants of the neighbourhood belonging to his class, and having the sympathies of his class, there would arise a feeling of bitterness and hostility. That was the first objection of his hon. Friend the Member for the City of Cork (Mr. Parnell). The hon. Member (Mr. Cartwright), who had just returned to the House, had said that the hon. Member for the City of of Cork had laid it down that he would be quite willing to have it dealt with by an impartial authority, and the hon. Member went on to say that it was the Court which was the impartial authority. But his hon. Friend forgot this underlying fact—that the initiative of taking the land from the farmer in order to give it to the labourer rested not with the Court, but with the landlord who set the Court in motion. This made a serious difference in the case. Now, finally, this was his objection to the proposal. After all, the main object —the underlying purpose of this clause—was to give stability of tenure—stability and confidence in the tenant that for a space of 15 years at least he was perfectly secure from any interference on the part of the landlord. The possible interference of the landlord was, in many cases, as bad as the actual interference, and the landlord would have the power to turn out any men who did not do as he wished, and put in their places men who were waiting outside for employment. By giving the landlord this power of interference they destroyed that stability which this clause professed to give. There was plenty of land in Ireland by which the congestion of labour might be relieved for the benefit of the tenant as well as the landlord; but in this as in the other clauses of the Bill the Government shrank from what required earnest labour, and chose a perilous way of escape from the agrarian problem in Ireland. Every clause like this was an additional temptation to seeking for an artificial instead of a natural remedy for the agrarian question. The remedy was to put a large portion of the 2,000,000 of labourers on to improvable land in Ireland. He did not say that was an exhaustive remedy, but it was one of the remedies for the congestion of the agricultural labourers; and if they put on the shoulders of the landlords instead of upon the Commission the duty of putting labour on to the land requiring it, that labour would never be put there. Therefore, he protested against the change made by the Government.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) thought the hon. Member somewhat misconceived the effect and object of the clause. The anticipation of conflict between landlords and tenants was entirely an imaginary danger, so far as this clause was concerned. The landlord had to apply to the Court, assigning some sufficient purpose for resuming possession of a particular holding in relation to the labourers in connection with that particular holding. This was not for the purpose of placing the labourers in any place where they were required, but to provide decent houses for the labourers required on the particular holding. He thought this clause made the Bill uniform. The object of the noble Lord was, while there should be a statutory term securing 15 years absolute enjoyment, undisturbed, that the Court might yet authorize the landlord to resume the whole or part of it if it was satisfied that he wanted it for some really beneficial purpose connected with the labourers; and it seemed to him, notwithstanding the hon. Member's fear of class warfare, there was not the slightest ground for fear, because it was not intended that the landlord should be placed against the labourer, but simply that the landlord should be able to resume possession for the benefit of the labourer.

MR. M'COAN said, he heartily approved of the Amendment, because it virtually embodied one which he had placed on the Table some hours earlier. His Amendment proposed to retain the word which the noble Lord would strike out, and simply change "or" for "except." The result was substantially the same; but perhaps it was more neatly arrived at by the noble Lord's Amendment. He thought his proposal would, by some sort of compromise, meet the wishes of both sides of the House, and by which the firmness of the Prime Minister as to interference by the landlord might be maintained, and the newborn philanthropy of the other side of the House fulfilled in regard to the labourers. He therefore supported the Amendment; but to make sure that the concession should not be abused, he would move to add to the clause—

> "Every grant of resumption for such purpose shall be conditional on his giving satisfaction to the Court that the improvement shall be carried out."

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) explained that, in order to complete the clause, the words "upon such conditions as the Court thinks fit" were inserted.

MR. M'COAN said, he was not sure those words would constitute a guarantee from the landlord, and he thought the Court ought to exact a guarantee.

THE CHAIRMAN: The hon. Gentleman is at present discussing an Amendment which is not before us.

Mr. M'COAN replied, that he would move his Amendment as a substantive Amendment.

Mr. CALLAN doubted whether the Chief Secretary's mind was clear as to what was necessary and judicious at the present moment. The labourers' question could not be settled in one clause, and he reminded the Government of the advice he had previously given them to draft a special Bill on that question. Under the Act of 1870 a landlord had power to resume 1-25th of the holding; but in this Bill there was no limitation, nor was there any restriction on the landlord that if he resumed possession he should only do so for the benefit of the labourers on the particular holding. He might resume for the benefit of the labourers on the estate, and in the case of an improper tenant the landlord might make use of this power to get rid of him. It would be much better to restrict the power to the particular holding for the benefit of the labourers on that holding. The Act of 1870 gave the landlord power to resume possession for the benefit of the labourers; but where had one single landlord resumed possession, paid compensation, and erected labourers' cottages? He did not believe much in the professions on one side or the other, for the zeal among his own countrymen for the interest of the labourer was just as new-born as that of the Tories and the Whigs. He regretted that so much time had been wasted; but more would be wasted unless the Government introduced a separate Bill on the subject.

Mr. LAING said, he understood the words "the labourers" to mean the labourers on the particular holding. He did not think further discussion on the Amendment was necessary, for it would not prevent or interfere with any future general legislation.

Mr. O'SHAUGHNESSY thought any proposal made for the benefit of the Irish labourer deserved sympathy, and he should be slow to reject it; but the Committee were not, he assumed, to anticipate in this discussion the general plan of the Government for dealing with the agricultural labourers presently; and if they were to preserve to the landlord some chance of dealing with the labourers, this did not seem to him the place to do it. The main object of the Bill was to give a sense of security to the tenant for 15 years after getting a fixed rent; and, undoubtedly, by not restricting the area of resumption in regard to a particular holding they did break in, to some extent, upon that security, and if they accepted the Amendment, they ought to do so in such a way as to diminish as little as possible the security to be offered to the farmer. He would suggest something of this kind. They were going to give security for 15 years, but subject to the danger of resumption. How could the tenant know when during that period resumption might be applied for? But it was not unreasonable to suppose that when the judicial rent was fixed the Judge would be able to see whether it was likely that within some time resumption would be necessary; and he would suggest that when a landlord should have a reservation of this power when the rent was being fixed, and that warning should be given to the tenant. In that way the danger of insecurity to which this clause gave rise would be very much lessened. Fifteen years was not a very long period; but, at all events, the Court could very well look forward seven years; and it was most important to relieve the tenant from the dread of being turned out, which haunted them and prevented them putting their capital into the land. It would not be any hardship to the landlord to require him to ask for a reservation of this power during the 15 years. He could not agree with the hon. Member for Louth (Mr. Callan), for he thought there was an implied condition that the labourer was working on the holding for which the power was asked. He hoped the Committee would listen to his suggestion.

Mr. CALLAN said, what he had said was that it would be unfair to a tenant to resume possession from him on land for labourers' cottages to be erected elsewhere, and not for the benefit of his holding.

Mr. T. D. SULLIVAN said, he feared that when he spoke previously he must have failed to make his meaning clear to the Chief Secretary. His point was this. If the Irish landlords did not use this power of resumption, who was to provide the cottages for the labourers? He was inclined to think the landlords would not use their power, and that would interpose a difficulty in the way of settling this question. The right hon.

Gentleman said, if the landlords did not use this power, no harm would be done; but that would be a sort of "Will-o'-the-wisp" to the Irish tenants.

MR. W. E. FORSTER: I would remind the hon. Gentleman that in the earlier part of the Bill we had before us the question of how far the tenant should be given power to sub-divide and sub-let, in order to have full power to put up cottages for the labourers. It was understood that that power was to be given; but the precise way in which it was to be given should be left to the clause I undertook to bring forward. Now we have the question of how the landlord is to do it. I cannot help thinking that the general feeling is that he should be allowed to do this; and we must remember that, after all, both the landlord and the tenant are interested. The landlord does not lose all duty in regard to the labourer because of this Bill. Our object is that he shall be able to put the labourers in a better position if they are badly housed, and in such a way as not to injure anybody else. We think we have prevented the possibility of that by putting in a clause for the purpose. It appears to me that the hon. Member for Limerick stated a difficulty we might fall into under the noble Lord's Amendment; but I dare say the noble Lord would be quite willing to get his object in any other way. The hon. Gentleman says it would not do to limit the power to any particular holding; and I think he is quite right. I think you could not limit the power to the labourers on a particular holding; but I think that difficulty might be got rid of if we took the Amendment I should have proposed, which was that we should keep in the words the noble Lord proposes to strike out, and then omit the words "or for the benefit of the labourers in respect of cottages, gardens, or allotments," which would refer the power of resumption to the 4th clause, which would then read with this qualification—

> "Application of the landlord to authorize resumption for some purposes having relation to the good of the holding or estate will not be entertained by the Court."

That would put back the landlord, the tenant, and the labourer in the same position under this sub-section as they are under the 4th clause.

LORD RANDOLPH CHURCHILL pointed out that if the words "or for the benefit of the labourer in respect of cottages, gardens, or allotments" were left out, it was clear that, so far as the improvement of the holding or estate went, the Court could not grant resumption. But by his Amendment there would be no question as to the meaning of the clause, for it expressed the matter positively. It was difficult to say by what rules the Court would be guided; but by his Amendment there would be no doubt that the landlord could not resume except for the benefit of the labourers on the estate. He also suggested that the words "under such conditions as the Court may think fit" should be put in after "allotments," as that would allay the apprehensions that had been created. With regard to the stigma cast upon Irish landlords as to their not using the power to be given them to build cottages, he had been in every county in Ireland, and had seen as good cottages on the estates as could be found on any English estate; and they were built by landlords in Ireland. He had seen four most beautiful cottages on the estate of Mr. Adam, in Queen's County; and he could multiply instances of efforts by landlords to improve their labourers.

MR. GLADSTONE: I will not follow the noble Lord in his general observations, because these generalizations are driving Members into a position, I am afraid, of the utmost inconvenience. On the question before us, it appears to me the argument is perfectly clear. In the first place, I cannot entertain a doubt that although we have precisely the same intention in view—and I hope we may come to some satisfactory conclusion—yet, incidentally, the Amendment of the noble Lord is open to this objection—that whereas under the Amendment there will be constituted a provision in this clause, as there is already a provision in the 4th clause, for the resumption of a holding with a view to the benefit of the labourers, those two provisions would be liable to different rules and interpretations, because in the 4th clause, as it stands, it is perfectly clear that resumption may take place for the good of the holding or estate, or of the labourers; but you will add doubt by the words "providing that the labourers are confined to the holding."

It seems to me impossible to confine the resumption to the labourers on the holding, for in that case the labourers would be absolutely at the mercy of the tenant of the holding. On the other hand, with regard to the fear that the landlord might spite a tenant by erecting cottages near a particular place to be occupied by labourers from a distance, that would be a most absurd course for a landlord to pursue, for the great object of the landlord in building cottages must be to bring them as near as possible to the labour which the inhabitants of the cottages have to perform. But if you keep the words of the clause, you have a fair and rational construction as to the labourers. With the Amendment of the noble Lord, the clause would run thus—" For the resumption of the holding, or part thereof, by him for some purpose having relation"—[Lord RANDOLPH CHURCHILL: I have left that out.]—" Resumption of the holding except for the benefit of the labourers." Who are the labourers? There is nothing before to which the definition " the labourers " can refer except the holding. It would be a power to resume possession of the holding for the benefit of the labourers. Surely the noble Lord does not suppose we are to pass these powers of resumption subject to different conditions in the two clauses? [Lord RANDOLPH CHURCHILL: I think it is generic.] Generic! Perhaps the noble Lord will introduce the word " generic " into the Amendment. The right hon. Gentleman proposed — and now I want to meet the view of the noble Lord—to meet this by omitting the words " or for the benefit of the labourers in respect of cottages, gardens, and allotments; " and what he said was that the effect of that would be to throw the Court back on the 4th clause. That would give simplicity. The noble Lord thinks that will create ambiguity; but I think he will perceive that there is no possibility of the most ingenious lawyer or layman—and some of us laymen as lawyers—to insinuate the thin end of a doubt into this, because the clause will then run thus:—

> " When a judicial rent has been fixed the tenancy shall be deemed to be a tenancy subject to statutory conditions, and having the same incidents as a tenancy subject to statutory conditions consequent on an increase of rent by the landlord."

What are these incidents? One of the most important, the power of resumption, is completely set out and defined in the 4th clause. Then we come to Clause 5, and say, with this modification—

> " An application for resumption shall not be entertained for any purpose having relation to the good of the holding or estate; "

so as to leave in full force the provision as to labourers as it stands in the clause. It is a perfectly clear matter.

LORD RANDOLPH CHURCHILL thought the right hon. Gentleman was quite right, and he would withdraw the Amendment; but he thought the Prime Minister ought not to be impatient if, when a violent and prolonged attack was made on the Irish landlords, there was one voice capable of defending them.

MR. EDWARD CLARKE was of opinion that the noble Lord had been too hasty in accepting the suggestion of the Government, for he considered the noble Lord's proposal was simpler than that of the Government. He also thought the Prime Minister's criticism had been unfair; and he wished to point out that whereas the clause as amended provided that the Court should not grant a resumption except for the benefit of the labourers, the clause would, if the words of the right hon. Gentleman were adopted, provide that an application for a resumption for the good of the holding, or the estate should not be entertained by the Court. But it was obvious that an application to resume a part of a holding for the purpose of building labourers' cottages was quite as much for the good of the estate as for the benefit of the labourers. The 4th clause said—

> " The Court, upon being satisfied that he is desirous of resuming the holding, or part thereof, for some reasonable or sufficient purpose having relation to the good of the holding, or of the estate, or for the benefit of the labourers," &c.

The proposal the Prime Minister was now supporting, instead of stating distinctly that the reasons which would entitle the Court to authorize resumption, only stated what would not entitle the Court to do so. It was a pity there should be a difference upon words which were intended by both sides to carry out the same object; but the words proposed by the noble Lord were accepted by the Attorney General before the Prime Minister entered, and, finding the noble Lord vindicating the landlords from the attacks made upon them, fell upon him violently, as if he had been obstructing the progress of the Bill. He hoped the Attorney General for Ireland would stand by his acceptance of the Amendment.

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, he thought the frame of the clause was such that the Prime Minister made it infinitely more simple. It began by saying that when a judicial rent had been settled, a statutory term should arise with such incidents as under the 4th clause, with this modification—that during the first 15 years there should be no application for a resumption. That, he thought, was infinitely simpler than the proposal of the noble Lord.

Mr. MARUM said, that the resumption mentioned referred back to the subject-matter of the 4th clause, and he thought that the words of the noble Lord (Lord Randolph Churchill) would create doubt and difficulty.

Mr. WARTON said, the noble Lord's Amendment was clearly accepted by the right hon. Gentleman; but the Prime Minister, accustomed as he was to change his position again and again, sat down on his subordinates and changed his position again. He hoped the noble Lord would not withdraw, as he thought the language of the noble Lord was better than that of the Prime Minister.

Amendment, by leave, *withdrawn.*

Mr. W. E. FORSTER: To carry out the arrangement which I think has the general concurrence of the Committee, and the noble Lord having facilitated our going on with Business by withdrawing his Amendment, I will move to strike out from "estate" down to "allotments."

Amendment proposed,

In page 8, line 1, after the word "estate," to leave out the words "or for the benefit of the labourers in respect of cottages, gardens, or allotments."—(*Mr. W. E. Forster.*)

Amendment *agreed to.*

Mr. PARNELL said, he had an Amendment to propose, which he trusted the Government would be able to accept, as affording an indication on their part that the power of granting resumption would be given to some authority for the benefit of the labourers. The clause at present gave the tenant, where a judicial rent had been fixed, security for 15 years; but no power of resumption was given to anybody but landlords in the case of tenancies subject to statutory conditions, and he therefore wished to leave it open to the Committee to give some power of resumption to some other authority by the Amendment he begged to move.

Amendment proposed,

In page 8, line 3, after the word "Court," to insert the words "and shall be deemed to be subject to the provisions in this Act contained, for the benefit of labourers in respect of cottages, gardens, or allotments."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE thought it was obvious that the introduction of these words at this point would be inconvenient; but subsequently the Government would introduce words which would meet the point.

Lord RANDOLPH CHURCHILL said, he did not altogether understand the line the Government had taken on this labourers' question. It was only a week since the Chief Secretary had withdrawn an Amendment he had placed on the Paper on this question, saying he would bring up another clause. Since then the labourers' question had recurred several times; but still the Government remained silent, and declined to produce their clause, or give the Committee any indication of their policy with respect to the labourers. Under these circumstances, he thought the Committee would be acting prudently if they put in some words of the kind proposed, which did not in the least interfere with the symmetry of the clause, but which pledged the Committee, independently of the Government, to provide that the landlords should do something for the labourers. This was not at all a question of Party; and he urged all parts of the Committee to unite upon it.

Mr. W. E. FORSTER suggested that the noble Lord should get the general concurrence of which he spoke to press upon the Government a certain matter, and then call upon the Government to state exactly what their clause would be. The question was one of the greatest importance; but it could not be brought in at this point.

Mr. ARTHUR ARNOLD thought it would be imprudent for the Committee to accept the Amendment, as it was both inconvenient and injudicious to insert words in this place having relation to a subsequent and highly contentious proposition which was not at present before the Committee.

Major NOLAN said, he thought the Amendment ought to be adopted, for although he should propose an Amendment for giving power to Boards of Guardians to purchase land for the benefit of labourers, he was not sure he should not be ruled out on Clause 19. He therefore thought the hon. Member had wisely raised the question now, for the Government had not stated whether they were going to propose anything. If the Government would state that on Clause 19, which was a money clause, they would allow the question to be discussed, it might rest now; otherwise it could not be allowed to pass.

Sir STAFFORD NORTHCOTE: There was rather a curious point raised by the hon. Member for Salford (Mr. Arthur Arnold), who seemed to suggest that the words "for some purpose having relation to the good of the holding or the estate" might be held to include the case of the labourers, and that anything that was done for the labourers might be held to be for the good of the holding or the estate. Therefore, if you are excluded by these words from making any provision for the good of the holding, it might be held that you were excluded from doing anything for the good of the labourers. It is very difficult in these cases to know what the legal construction of the words may be; and it does seem to me that it would be only reasonable that we should take care that some words should be in the clause to cover the possible case of the labourers, and the apprehensions of my hon. Friend. Then, with reference to that, it seems to me that the words suggested by the hon. Member for Cork are not at all unreasonable words, although there are, perhaps, two words—"hereinafter contained"—which might be altered. We do not quite know in what clause the provisions will be—whether they will be in some clause we have already passed, or in some future clause. I would suggest that the hon. Member should say "in this Act contained," instead.

The SOLICITOR GENERAL (Sir Farrer Herschell) thought the words suggested would not at all carry out the object aimed at, because the sub-section provided that the judicial tenancy should have the same conditions as a statutory tenancy. Then came the qualification that in certain cases the Court should not allow resumption by the landlord. The words "subject to the conditions hereinafter contained," in relation to labourers' cottages, would only operate if there were subsequent conditions with reference to the Court. Whatever might be put in to show that there was to be some limitation as to cottages, the proposed words would not effect that, because they would only have sense if there were some provisions dealing with the landlord's right of resumption.

Mr. GREGORY complained that the Committee had been placed in an awkward position by the conduct of the Government in connection with the Amendment under discussion, of which no Notice had been given, and which they could not fully consider. Some further provision was now required in consequence of the changes that had been made; and, some sort of protection being necessary, the words of the hon. Member for Cork were better than nothing.

Mr. CHAPLIN wished to support the Amendment, with the hope of still extracting some information from the Government. With regard to what the hon. Member for Salford had said, he had not the least doubt that it would be very imprudent, so far as the interests of the Government were concerned, to discuss the Amendment at this part of the Bill; but he had observed that when a question arose which it was in the least awkward for the Government to deal with, it was invariably postponed to some clause at the end of the Bill.

The CHAIRMAN: The Question before the Committee is—

> "Subject to the provisions hereinafter enacted for the benefit of the labourers in respect of cottages, gardens, or allotments;"

and that question does not raise the other points to which the hon. Member is referring.

Mr. CHAPLIN explained that he was replying to a remark by the hon. Member for Salford (Mr. Arthur Arnold) which the Chairman had admitted as in Order.

THE CHAIRMAN: The hon. Member for Salford pointed out the inconvenience of discussing a question which did not include the Question before the Committee. I thought the objection a very proper one, because the question was not before the Committee.

MR. CHAPLIN said, the hon. Member was discussing the propriety of discussing this subject now; and he himself was pointing out that although it might be imprudent for the Government it would not be imprudent for the Committee. The question was, the propriety of the landlord resuming a holding——

THE CHAIRMAN: That subject is already passed, and we have come to line 3, on which an Amendment has been moved.

MR. CHAPLIN explained that he was endeavouring to extract from the Government what their provisions were to be; and he asked how it was possible that he could give a vote upon this question, the question raised being the propriety of the landlord resuming subject to certain conditions, without knowing what those provisions were which the Government proposed to enact? It was not right that these questions, which were of vital importance, should be postponed to the end of the Bill, when the Committee were now engaged in discussing what was universally acknowledged to be the pith and cardinal portion of the Bill. His vote upon this and other questions would turn upon the answers the Government gave; and he did not think the Committee had been treated in a right way.

MR. GLADSTONE: The remarks of the hon. Member raise a question of considerable importance—the question of this Committee postponing the consideration of the elementary rules by which the Court is to be guided. He is not at liberty to discuss now the proposals to be made by the Government as to labourers, allotments, and arrears. The hon. Member said we postponed these questions, and then rises and discusses them in whatever order he pleases. I want to know whether we are to discuss all points on this Amendment or take them one after another; and I must tell the hon. Member that in all the time I have sat in this House I do not think I have ever known a single occasion before when it was not the universal practice of a Committee to allow the order of the great topics contained in a Bill to be presented on the responsibility of the framers of the Bill and to take them one by one. To do otherwise would create perfect chaos. I will frankly answer the hon. Member. We will not say, on the present occasion, what we intend to propose with regard to the labourers; and for this reason—he considers it a monstrous proposal that we should not allow him to discuss the questions of arrears and leases all at once. The purpose of this clause is most specific and important. It is that of regulating the conditions of a judicial rent, and in order to have a satisfactory decision upon that we must deal with it apart from the other important portions of the Bill and not allow them to be mixed up. Therefore, it is an absolute duty with us not to enter upon the discussion of our intentions with regard to other portions of the subject, because, if we did, a long debate would immediately arise on the conditions of what we intended to propose, and we should make no progress at all. I heard the hon. Member, the other night, urge, in defiance, as it seemed to me, of the Rules of this House, a declaration which would infallibly impart into the middle of this discussion on the question of judicial rent another most important and difficult question. That is my objection, and it is as well it should be understood that we will not, as far as we are concerned, mix up the question of labourers with the Question now before the Committee.

SIR STAFFORD NORTHCOTE: I rise under some hesitation, because we have had a lecture administered to us beforehand. I do not in the least desire to interrupt the proper order of the consideration of the questions involved in this Bill; but I must call attention to the fact that we are, at the present moment, engaged upon a provision which has been framed by the Government, giving the conditions which are to attach to a case in which a judicial rent has been fixed; and, when a judicial rent has been fixed, we are told, in this sub-section, that it is to be deemed a tenancy subject to statutory conditions. We know all about statutory conditions, for we had them laid down a few nights ago in the 4th clause; but, according to the Bill, the statutory conditions are to be subject to certain modifications—in the case of those tenancies which are subject to judicial rent, certain of the statutory conditions are not to apply, and the conditions which, according to the original frame of the Bill, were not to apply until the power was given for the resumption on the application of the landlord for any purpose having reference to the good of the holding or estate, or for the benefit of the labourers' cottages, gardens, and allotments. That was the original proposal of the Government; but in those cases where the judicial rent was fixed there should be no power of resumption on the part of the landlord for the good of the holding generally, or for the benefit of the labourers. Then, on that, a challenge was given to leave out this prohibition; we proposed to leave out that prohibition, and Government divided. We were told that a prohibition of some sort must be retained. That was done by the Government against the sense of a considerable number in the House; but they expressed themselves as prepared to meet the case of the labourers, and to make exceptions for the purpose. Now, it is desirable that this labourers' question should be considered. I do not wish to say in what part of the House there is the most anxiety to consider the case of the labourers. I am convinced there is that feeling in all parts of the House, and I am certain that we are very anxious to have the case considered, and some nights ago we brought forward an Amendment which we thought would be of some assistance in the matter. However, what has happened is this—the Government have assented to the striking out of the words that prevent the landlord from resuming for the purpose of providing cottages and allotments for the labourers; but, even by striking out these, you do not distinctly affirm that there will be that power of resumption, and the hon. Member for East Sussex (Mr. Gregory) has pointed out that if application was made by the landlord for the resumption of the holding, or a part of it, for the purpose, he might be told that it was not for the benefit of the holding or estate, and his application would be excluded. Then the hon. Member for the City of Cork, and others, are of opinion that it is desirable to show sufficiently that it was intended that this limitation of the power of resumption on the part of the landlord should be so qualified that it should not extend to the prevention or embarrassment of any provisions hereafter made in regard to labourers. We do not seek to discuss now what these should be; all we ask is a saving clause that may prevent embarrassment in regard to any future discussion that may be raised. It may or may not be necessary to introduce such an Amendment; it may or may not be necessary to affirm it; and, having distinctly the interests of the labourers in our minds, I do not see any objection to the insertion of the words.

Mr. SYNAN said, he was glad the right hon. Gentleman had given in words the meaning which the hon. Member for the City of Cork (Mr. Parnell) had not as yet apprehended—that was, that from the clause the power of the landlord to resume, even for the purpose of building labourers' cottages, was exempted. The hon. Member proposed words to save, what he called, the rights of labourers. What would be the effect of the saving clause? It would mean that the power of the landlord to resume was exempted, subject to the right of resumption in the case of labourers' cottages, and, in point of law, it could not be construed in any other sense; it must be construed in relation to what had gone before—that was, the exemption out of the exemption.

Mr. LITTON said, he thought the objection of the hon. Member for East Sussex (Mr. Gregory) was a substantial one, and the present Amendment of the hon. Member for the City of Cork (Mr. Parnell) would not be in accordance with the views of the Committee in regard to the clause. He suggested that after the word "Court," leaving the words in the clause as they now stood, there should be added words giving the right to apply in respect to the building of cottages, &c. This would confer the right, and relieve the clause from the difficulty the hon. Member for East Sussex mentioned—namely, that the words "for the good of the holding, or estate," might exclude the application in respect to labourers' cottages. If in Order, he would, with the leave of the Committee, and if the hon. Member for the City of Cork did not press his Motion, move such an Amendment.

Mr. PARNELL said, he should be happy to accept the suggestion of the right hon. Member for North Devon (Sir

Stafford Northcote), and ask leave of the Committee to amend his Amendment in two ways—first, to meet the objection of the hon. and learned Solicitor General, which he recognized to be a valid one; and, secondly, to accept the suggestion of the right hon. Baronet. He would ask leave of the Committee to amend his Amendment by prefixing to it the words "and shall be deemed to be," then it would read—

> "And shall be deemed to be subject to the provisions in this Act contained for the benefit of the labourers in respect to cottages, gardens, and allotments."

That would get over the valid objection of the Solicitor General, and a similar objection raised by the hon. Member for Limerick County (Mr. Synan). If it was intended to enact anything for the benefit of the labourers, that must be done by some interference with the holding of the tenant. The land was in the possession of landlord and tenant, and they must except so far the interest of the tenant from the operation of the clause by adding something to the statutory conditions as they now stood.

MR. GLADSTONE said, he was willing to accept the suggestion with the modification of the striking out of the words "hereinafter contained." It would not make a material change in the Bill. He had to say that, in his opinion, the words were entirely unnecessary, and that the clause was unequivocal and incapable of two constructions as it stood; but it was much better to introduce two lines of words that were unnecessary than to waste the time of the Committee, provided the words were harmless, and he believed they were quite harmless. Therefore, he proposed to admit the Amendment in this form—

> "Subject, nevertheless, to the provisions in this Act contained for the benefit of labourers in respect to cottages, gardens, and allotments."

MR. PARNELL said, the objection to his Amendment which he strove to meet came from the Treasury Bench—from the Solicitor General for England—who pointed out that the Amendment as it stood did not meet the object which the great bulk of the Committee had in view. The Prime Minister had agreed to accept the Amendment, and why? Because it did not meet the object in view. Now, he wished to take a division on the Amendment, framed in such a way as would meet that object, leaving the Committee to enact hereafter provisions for the benefit of labourers.

MR. GLADSTONE observed that, because he differed from the hon. Member for the City of Cork, the latter imputed to him, that which no other would, that his object in accepting the Amendment was to defeat the object the Committee had in view. That was not a method of proceeding agreeable to the courtesies of discussion in Committee, and beyond saying that he would not refer to it. The objection to the Amendment turned upon the words "hereinafter contained." There were words in the Bill hereinbefore contained, which were words relating to labourers and the exercise of the discretion of the Court; therefore, the change in the words completely met the objection of his hon. and learned Friend.

THE CHAIRMAN: So far as I read them, the two Amendments given in, that of the hon. Member for Cork and that of the right hon. Gentleman, are identical. I will read them—the first is that of the hon. Member for Cork—thus—

> "And shall be deemed to be subject to the provisions in this Act contained for the benefit of the labourers in respect to cottages, gardens, and allotments."

—and the Amendment of the Prime Minister reads—

> "Subject, nevertheless, to the provisions in this Act contained for the benefit of labourers in respect to cottages, gardens, and allotments."

MR. GLADSTONE remarked, that he had misheard the words of the hon. Gentleman; he was satisfied with them.

THE CHAIRMAN: The most convenient mode will be for the hon. Member to withdraw his first Amendment.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he did not think that the words would quite read. They would run thus—

> "The application by the landlord for authority to resume, for some purpose having relation to the good of the holding or estate, should not be entertained by the Court."

He did not see how the words "shall be deemed" came in.

LORD RANDOLPH CHURCHILL said, if the hon. Member for the City of

Cork altered his Amendment he really pledged the Government to nothing, because the Bill would stand exactly as it was; and if there was nothing in the Act, why, the words "subject to the provisions" were useless. But if he retained the words "hereinafter contained," that pledged the Government to introduce a clause in the most distinct and specific manner to deal with the subject. He would point out to the hon. Member for the City of Cork that he had no security whatever that the Government were going to bring up a clause to deal with the labourers of Ireland which ought to be at all sufficient for the Committee; but if they inserted "hereinafter" they exacted a pledge from the Government that such a clause would be brought up. He would ask the hon. Member for the City of Cork to keep to his original words and take a division on them, and, if defeated, let him get the next best thing, the words suggested by the Government.

Sir STAFFORD NORTHCOTE said, there was some inconvenience in settling the drafting of a Bill in a large Committee, for it was difficult to keep everything under view. But it did seem to him that his noble Friend was in error in thinking that the matter would be improved by retaining the words "hereinafter contained," instead of "in this Act contained," because it was intended to make this power subject to provisions that were to be contained in the Act in some particular clause having reference to labourers; and it might be found convenient to introduce this into any clause before Clause 7, or even in Clause 7, and in that case the words "hereinafter contained" would not apply; whereas, if the other words were introduced, they would be generally applicable to anything in the Act. All that was important was to take care that the mere striking out of the words did not leave the prohibition to the landland to resume for the purpose intended. There had been a pledge given that the Government would take up the subject, and if the Government failed to redeem that pledge—and he had no reason to suppose they would—then some other Member of the Committee, no doubt, would take it up. But he thought the Committee would hamper and confine themselves by inserting the word "hereinafter," which involved a question of drafting now beyond the power of the Committee.

Mr. PARNELL said, he did not wish to pledge the Government positively to deal with this question of labourers; but he wished to leave it open to them to do so. The Amendment which he asked leave to put to the Committee would carry out that object; and he thought the Attorney General for Ireland had not properly read the clause as he would always like to read it, as a lawyer. Taking the last lines of the clause, it would read thus—

> "Such present tenancies shall be deemed to be tenancies subject to the statutory conditions and having the same incidents as tenancies subject to the statutory conditions consequent upon an increase of rent by the landlord;"

and then came in the exceptions, and his words would follow the words he proposed.

Sir GEORGE CAMPBELL said, he understood that the Government were distinctly pledged to deal with the subject, and any words which would so bind the Government as to be satisfactory to the noble Lord the Member for Woodstock (Lord Randolph Churchill) would be impossible. He hoped the hon. Member for the City of Cork would be guided by the advice of the right hon. Member for North Devon, and accept the general words that implied that the question of the labourers would be dealt with in some way or other.

Sir RICHARD WALLACE said, the Government had assented to the proposal that the landlord should have power to resume for the purpose of building labourers' cottages, and, no doubt, all were deeply interested in the question of the labourers; but they must not forget that there were other things absolutely necessary on an estate; and he hoped the Government would consider the proposal to include in these powers of resumption land for the purpose of building schools, churches, and hospitals.

Amendment, by leave, *withdrawn.*

Amendment proposed,

> In page 8, line 3, after the word "Court," to insert the words "and shall be deemed to be subject to the provisions in this Act contained, for the benefit of labourers in respect of cottages, gardens, or allotments."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE submitted that it was a rule that the persons in charge of a Bill were responsible for the drafting, and surely it was not right for a Member to oppose the Government on the question of general language. To the substance of the Amendment he did not object; but he could not accept the form of it, and should endeavour to negative it and substitute the words which had been suggested by his right hon. and learned Friend.

MR. PARNELL said, he had not the slightest intention of casting any imputation on the motive of the Prime Minister, and he was sure that the right hon. Gentleman would see the unfairness of imputing to him any such intention. He thought nothing but the fact that the right hon. Gentleman was such an old Member of the House, and he was a very young Member, would entitle him to use the language he had used. He said no other Member would impute such an intention to the Government. As to the suggestion of the Attorney General for Ireland, he was perfectly willing to accept it.

THE CHAIRMAN: The words which I now have to propose are—

"Subject, nevertheless, to the provisions in this Act contained for the benefit of labourers in respect to cottages, gardens, and allotments."

Does the hon. Member wish to amend that?

MR. PARNELL: I have accepted the suggestion of the Attorney General for Ireland, and I move to prefix the words "such present tenancies shall."

Amendment proposed to the said proposed Amendment,

To leave out the first word "and," in order to insert the words "but such present tenancy,"—(*Mr. Parnell,*)

—instead thereof.

Question proposed, "That the word 'and' stand part of the said proposed Amendment."

MR. CHAPLIN asked, did not the Government intend to make any reply to the appeal of the hon. Member for Lisburn (Sir Richard Wallace)—a more natural or fitting appeal he never heard. This was a clause by which the landlord would be deprived of his property for years, practically for ever; and the Government, before the question was put to the vote, should make some reply, and show that they intended to include in the landlord's power of resumption the means of doing an act of real charity. The hon. Member raised the question whether the Government would not make some provision in the Bill by which, in cases where the tenancy is let for a statutory term, the landlord might be enabled to resume part of a holding for the purpose of providing land for a church, a school, a hospital, or a convalescent home.

THE CHAIRMAN: The hon. Member is not in Order. That is a subject not now before the Committee.

MR. CHAPLIN said, in view of that decision, and to put himself in Order on a question that appeared to him of vital importance, he would move that the Chairman do report Progress and ask leave to sit again. He would not for one moment take this step except on a matter of vital importance. He did not know how or where he was guilty of a trespass on the Order of the Committee, when the question was raised by an hon. Member to whom the Chairman took no exception whatever; nor did he understand how, if the present Amendment should be accepted, the question could be raised again. He was quite sure the Prime Minister would admit that the purposes for which the hon. Member for Lisburn made his appeal were admirable in every respect. They were going to take away the landlord's property for a period of years, it might be for ever; and yet would not allow some provision in the Bill by which a landlord might carry out his laudable intention.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Chaplin.*)

MR. GLADSTONE remarked, that he felt bound to say that, although it might be beyond his power to prevent or check the spontaneous exercise of the discretion of the hon. Member opposite in entering into matters which were irrelevant to the point at issue——[MR. CHAPLIN: I did not introduce it.] The point before the Committee was that the hon. Member had moved that the Chairman report Progress, and that was a Motion which he had not power to prevent or check. But he had the power of declining to concur in a practice which, in his opinion, was destructive of the order that should regulate the proceedings of that House. He hoped the hon. Member would excuse him if he declined to say a single word; but as the question had been raised by the hon. Member for Lisburn (Sir Richard Wallace), he might say that he knew no person who was better entitled to make an appeal to the Government on the Land Question than that hon. Member. He was quite convinced that if it had not been for the circumstances in which they found themselves they might have told the hon. Member in what way they intended to deal with the subject before the Committee. But he must respectfully say that this was not the place where they could entertain that question. It related to resumption generally, and the place for it was where they were dealing with resumption generally. Certainly, an Amendment might be raised in this way for the purposes of discussion; but he was quite clear that the principle was certainly connected with the conditions of resumption, and that the place for considering it would be when, upon the Report, they came again to be on the 4th clause. He did not wish to dismiss the question; but this was not the proper place to discuss it.

Sir HENRY TYLER said, that the right hon. Gentleman promised at an earlier stage to introduce words similar to those of the hon. Member for Lisburn.

Mr. CHAPLIN said, that his object was simply to elicit some answer from the right hon. Gentleman to the appeal made by the hon. Member for Lisburn. He did not desire to delay the progress of the Committee in that House; and when the right hon. Gentleman accused him of introducing a subject in a disorderly manner, the right hon. Gentleman would, perhaps, permit him to remind him that the subject was not introduced by him (Mr. Chaplin), but by another Member of the House, and that he (Mr. Chaplin) was not in the slightest degree disorderly. His Motion was accepted by the Chairman; and, with deference to the Prime Minister, he declined to accept his interpretation.

Mr. GLADSTONE said, that having accepted the words of the right hon. Gentleman opposite, he should adhere to those words, and consider them before the Report.

Motion, by leave, *withdrawn.*

Mr. Gladstone

Mr. A. M. SULLIVAN asked if he might intervene for a moment to smooth a single point of difference, as to which he believed the Prime Minister would have no justifiable cause of complaint? Might he respectfully point out that, in the opinions of people in that House and those outside of it, it would really look as if the Government begrudged the hon. Member for the City of Cork the credit of having moved this Amendment? ["No, no!"] The meaning of that cry was that hon. Gentlemen believed that that was not the motive; but he might say that he did not agree with them on that point. He appealed to Her Majesty's Government to agree to this Amendment, which was their own. It might be that he misconceived the intentions of the Government, and if he did, he apologized for that; but as there was no substantial difference between the Amendment of his hon. Friend and that of the Government, he thought it quite right and fit that the Government should accept some Amendments from his side of the House.

Mr. GLADSTONE thought the hon. and learned Member had misconceived the course the Government was pursuing. The accepting of Amendments from the opposite side was exactly the thing the Government was doing. He was accepting the Amendment moved by the hon. Member for the City of Cork (Mr. Parnell), with the modification suggested by the hon. Member for Lisburn (Sir Richard Wallace). He was accepting Amendments from below the Gangway, with modifications from above the Gangway, such modifications having been accepted by those below the Gangway.

Mr. PARNELL observed, that the Prime Minister objected to accept the Amendment which he (Mr. Parnell) moved. The Attorney General for Ireland took exception to some expressions which he used. He should be very unwilling to have any such expressions interfere with the better shape of the present Amendment and the more intelligible reading of it; and he would unhesitatingly say that he unreservedly withdrew the expressions he used, to which the right hon. and learned Gentleman took exception.

The CHAIRMAN: Does the hon. Member desire to withdraw the Amendment to the Amendment?

Mr. PARNELL: No; I referred to the expressions.

Question put, "That the word 'and' stand part of the proposed Amendment."

The Committee *divided*:—Ayes 305; Noes 53: Majority 252.—(Div. List, No. 283.)

Original Question again proposed.

MR. GORST moved an Amendment to insert, after the word "cottages," the words "schools, churches, and hospitals." This, he thought, would enable the Government to fulfil their intention of making provision in that direction.

Amendment proposed to the said proposed Amendment, to insert, after the word "cottages," the words "schools, churches, and hospitals."—(*Mr. Gorst.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE explained, that the proper place for considering a question of this kind with respect to the extension of the principle of resumption was on that part of the Bill which mainly and principally dealt with the causes of resumption—that was the 4th clause. He must, therefore, ask the hon. and learned Member to withdraw the Amendment. The hon. and learned Member now proposed to bring in a new subject, and to bring it in in this place; and it was a subject upon which the Governhad already given the Committee, on a former day, an intimation of their view. Under the circumstances, the hon. Gentleman thought it reasonable and fair to make a speech, and to administer a severe rebuke to a portion of the Committee, because they thought the course he had adopted unusual. He was bound, by his respect for the structure of the Bill, to resist this proposition.

MR. CHAPLIN understood the right hon. Gentleman to object to the proposal on the ground that it was not introduced in the proper place. But the matter was one that might very easily be disposed of. The right hon. Gentleman said he had already given an intimation of a disposition to accept the views of the hon. and learned Gentleman. If the right hon. Gentleman would only undertake to embody the Amendment in the Bill before the Bill left the House, no doubt the hon. and learned Gentleman would not press the Amendment. But there ought to be a distinct understanding that the Government would accept, unconditionally, the views of the hon. and learned Member in reference to the erection of schools, churches, and hospitals.

MR. GLADSTONE: I have nothing to add to the intimation I have already given.

SIR HERVEY BRUCE said, the right hon. Gentleman had already given an intimation of his willingness to accept such a proposal before the Bill left the House.

MR. GORST thought the Government would really find it necessary to put in words of this kind in this place. If they really meant, as he had no doubt they did, to fulfil their promise, and put in such words in the 4th clause on Report, their insertion in the present place would be an earnest and a proof of their intention, and would, in fact, pledge them to carry out that intention on the Report.

MR. GLADSTONE: I am very much obliged to the hon. and learned Gentleman, who says he must have "an earnest and a proof," in order to enable him to believe what I say.

MAJOR NOLAN thought the point was an important one, but did not think it was dealt with in the right way at present. There was a notable case in his own county—in the Diocese of Clonfert, where, owing to objections made by the landlord, the building of two churches had been stopped. Now that a partnership was to be established between landlord and tenant, it would be well if power were given to some central body in Dublin to hear and to deal with such matters.

SIR STAFFORD NORTHCOTE: I entirely sympathize with my hon. Friend the Member for Lisburn (Sir Richard Wallace) and my hon. and learned Friend the Member for Chatham (Mr. Gorst), with regard to the object they have in view. I think it important and desirable that we should make some provision for the introduction of words which may provide for resumption for these purposes; but I very much doubt whether, at the present moment, we should not rather embarrass the question by pressing this particular Amendment.

MR. GORST, in deference to the opinion just expressed by the right hon. Baronet, was willing to withdraw his Amendment.

MR. GLADSTONE: I consider it my absolute duty to object to the withdrawal of the Amendment, after what has been said by the hon. and learned Gentleman, unless he gives a more explicit explanation in reference to the words he used.

Mr. GORST said, he did not wish to be misunderstood by the right hon. Gentleman—he was sure the right hon. Gentleman would not do it wilfully—but he (Mr. Gorst) had been obliged to speak very quickly and briefly because of the interruptions of the right hon. Gentleman's followers. If he were allowed by the Committee to explain his meaning at the same length as the right hon. Gentleman himself could do, he should not so frequently fall under the misconception of the right hon. Gentleman. But he would say as explicitly and as frankly as he could that if the words he had used were such as to imply that he had the least doubt in the world as to the right hon. Gentleman keeping every promise or pledge he made to the Committee, he (Mr. Gorst) begged most unreservedly to withdraw any such insinuation; for, however imperfectly he might have expressed himself, nothing could have been further from his thoughts than that.

Mr. T. COLLINS hoped the Committee would allow the Amendment to be withdrawn, because they all wanted to get on with the Bill, and to make progress with it, and no progress would be made if its withdrawal was refused.

Amendment to the said proposed Amendment, by leave, *withdrawn.*

Original Question proposed,

"That the words 'and shall be deemed to be subject to the provisions in this Act contained for the benefit of labourers in respect of cottages, gardens, or allotments,' be there inserted."

Lord RANDOLPH CHURCHILL: If we negative these words, will it be possible to insert the Amendment of the Government, which begins with the words "subject to?"

The CHAIRMAN: They are essentially different in the preliminaries. But when another Amendment comes to be proposed it will then be competent to consider it.

Question put.

The Committee *divided*:—Ayes 66; Noes 273: Majority 207.—(Div. List, No. 284.)

Mr. Gladstone

Mr. GLADSTONE: I now propose the words, with the connecting words necessary to make them follow.

Amendment proposed,

In page 8, line 3, after the word "Court," to insert the words "Subject nevertheless to the provisions in this Act contained for the benefit of the labourers in respect of cottage gardens, or allotments."—(*Mr. Gladstone.*)

Question proposed, "That those words be there inserted."

Lord RANDOLPH CHURCHILL wished to raise a point of Order, and it was extremely important that they should have a clear and definite ruling upon it, because he understood it was a Rule of the Committee that another Amendment could not be moved exactly in the same sense as an Amendment already negatived. The Amendment which had just been negatived by a very large majority was exactly in the sense of the one now proposed, and the Prime Minister was really asking the Committee solemnly to reverse its decision. [Mr. Gladstone dissented.] It was perfectly useless for the right hon. Gentleman to shake his head, for this was a matter of fact and not of opinion. He submitted with deference that the Amendment could not be put, and that the intentions of the Committee on which they were perfectly unanimous had been defeated by the action of the Government.

The SOLICITOR GENERAL (Sir Farrer Herschell) said, he thought the present Amendment was not out of Order, because it really dealt with another subject-matter. The subject-matter of the previous Amendment was "tenancy;" the subject-matter of the present Amendment was the "modifications" contained in the last part of the clause with reference to the Court not entertaining the application on certain subjects.

Lord RANDOLPH CHURCHILL: That is not grammar; it does not read.

The SOLICITOR GENERAL (Sir Farrer Herschell): The matter of grammar or reading is wholly different from the point of Order.

Lord RANDOLPH CHURCHILL said, the simple fact appeared to be that when the Prime Minister moved an Amendment all the Rules of the Committee were to be set aside. He wished to point out that the Solicitor General had suggested that the Rules of Order had been or should be set aside on the present occasion.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) said, the noble Lord was mistaken, as he had not made any such suggestion.

LORD RANDOLPH CHURCHILL said, if this was so, it must surely be unnecessary to make the Amendment which had been proposed. The words "subject to the provisions in this Act contained" had no reference to the modifications which had been mentioned; and he maintained that the Solicitor General had made out no case for the Amendment, either on the grounds of Order or of grammar.

MR. GLADSTONE said, that as far as the question of grammar was concerned, the words "subject to" did not refer to the tenancy or the modifications, but to the whole of the preceding sentence.

MR. GORST, speaking on the point of Order, said it seemed to him that the positions taken by the Solicitor General in the first instance, and the Prime Minister in the second, were altogether different. The position of the Solicitor General was an extremely ingenious one. It was that this Amendment was in Order, because a former one applied to tenancies, and this one to modifications. The position was, however, changed by the Prime Minister, according to whose dictum the Court, in construing the clause as amended, would apply it equally to matters covered by both Amendments.

MR. WARTON said, he wanted, in regard to this point of Order, to show to the Committee the ludicrous position in which it was placed. The first form of the Amendment, as it was moved by the hon. Member for the City of Cork (Mr. Parnell), was in these words—

"Such tenancies shall be deemed to be subject to the conditions in this Act contained, for the benefit of labourers, in the shape of cottages, gardens, and allotments."

THE CHAIRMAN said, the hon. and learned Member was out of Order in that he was not speaking to the immediate point of Order.

MR. WARTON said, that the observations he was making when he was interrupted by the Chairman were leading up to the immediate point of Order; but as the Committee seemed to be growing somewhat impatient he would not pursue the matter further.

THE CHAIRMAN said, he thought the Committee was indebted to the noble Lord for drawing attention to the close similarity between the two Amendments. It was a very important point—indeed, it was the invariable rule of the Committee that no vote should be taken upon an Amendment which was substantially the same as one that had already been negatived; and if he believed that the Amendment now before the Committee was substantially the same as the one which had been negatived, he should rule that the present one could not be put. But, as he understood it, there was a material difference between the two proposals; and he should, therefore, rule that the Amendment now before the Committee could be put.

Question put, and *agreed to.*

CAPTAIN AYLMER said, the Amendment he was about to propose would not take long, as he was inclined to believe, after what took place on the previous night, that the Prime Minister would accept it in principle if not in terms; in which case he would withdraw his proposal, leaving it to the Prime Minister to deal with the matter at a later stage of the Bill. As the Committee would doubtless remember, the question of sub-tenants was mentioned on the previous night, and that the Premier then informed the Committee that the matter in question would come before the Committee under Section 7; but on looking into the Bill it struck him that if the case of a sub-tenant came before the Court, the Court would say that it could not adjudicate upon the matter, because they would be compelled to give to the sub-tenant a statutory term of 15 years, whereas the tenant, from whom the sub-lessee took the property, was only a tenant from year to year. He therefore moved, after sub-section 7, to insert the words—

"On the occasion of an application to the Court by a tenant or an occupier holding under another tenant, the statutory term granted to him by this Act shall be co-existent with the statutory term of his immediate landlord; and in case the original tenant has not obtained a statutory term, then the term assigned to the sub-tenant shall be for 15 years, or such less period as the immediate landlord shall continue in the occupancy of the holding."

MR. GLADSTONE said, he had no hesitation in saying that the Government accepted the principle of the hon. and gallant Gentleman's Amendment, and for one reason, because it was a principle which had been followed throughout the Bill, to a greater extent than the hon. and gallant Gentleman seemed to have perceived. There were in Ireland tenants with widely differing tenures, and in no case could the Government begin with the men at the top of the hierarchy of tenants. The tenant actually in occupancy was the only person to whom a statutory term could be given. He might be called a tenant as far as the landlord was concerned; but not in the view of the Court. He had no difficulty in saying that his right hon. Friend would deal with this matter in the view shadowed forth by the Amendment of the hon. and gallant Gentleman.

Captain AYLMER, in asking leave to withdraw his Amendment, after the assurance of the right hon. Gentleman, said, he hoped the Chief Secretary to the Lord Lieutenant, in dealing with the matter, would not lose sight of the fact that sub-tenants in Ireland were practically unknown to the real landlords, who were, therefore, unable to exclude the middlemen whom they did not recognize.

Amendment, by leave, *withdrawn.*

Mr. PELL, in moving that Progress be reported, said, the Government had accepted the principle of a long and important Amendment put in in manuscript, which hon. Members had not enjoyed an opportunity of considering.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Pell.*)

Mr. GLADSTONE said, he was extremely sorry the hon. Member had thought it necessary to make the Motion he had laid before the Committee, because he had hoped that the right hon. and learned Gentleman the Member for the University of Dublin would have been able to-night to make the proposal which stood in his name, so that it might be in the minds of hon. Members for consideration before the Committee was resumed. He could not, therefore, assent to the Motion.

Mr. CHAPLIN said, it was generally understood that the Motion of the right hon. and learned Gentleman the Member for the University of Dublin would take some time; and, therefore, he thought the Motion of his hon. Friend the Member for South Leicestershire (Mr. Pell) was a very reasonable one.

Mr. GLADSTONE repeated, that he was very sorry he could not assent to the Motion. He was very sensible of the fact that a severe tax was being put upon the physical energies of those hon. Members who were in full physical strength and vigour; but, at the same time, as a most sacred protest against any attempt to limit the time which the Committee was willing to give to the progress of this Bill, he must take a division on the Motion to report Progress.

Sir STAFFORD NORTHCOTE said, there was a disposition on the part of the Committee to facilitate the progress of this Bill; but he could not help thinking that, at the present moment, they had arrived at a stage when the Motion of his hon. Friend (Mr. Pell) was not at all unreasonable. He did not say that on his own behalf, but on behalf of Members of the Government themselves, who had been on the stretch for so many hours, and also for the sake of other Members of the House, who had been so long in continuous attendance. The Government had taken possession of the whole of the time of the House for that Bill, and a very considerable strain was entailed on the House by taking the same measure at both the Morning and the Evening Sittings. He ventured to express an opinion, based upon experience, that the Government was likely to make greater progress by not pressing the House too far.

Mr. PELL said, he could not admit that his proposal to report Progress was unreasonable; and, therefore, he must ask the Committee to divide upon it. It must be obvious that if an enormous strain was to be put upon the physical strength of the Chairman of Committees, the Business of Parliament could not be conducted as efficiently as it ought to be. He certainly did not think anything could be gained by proceeding at that late hour (12.55) with a long and important Amendment which was not on the Paper, and concerning which the right hon. Gentleman the Prime Minister had made an important statement.

Question put.

The Committee *divided*:—Ayes 76; Noes 164: Majority 88.—(Div. List, No. 285.)

Committee report Progress; to sit again upon *Monday* next.

FUGITIVE OFFENDERS [EXPENSES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the payment of Expenses which may be incurred under the provisions of any Act of the present Session to amend the Law with respect to Fugitive Offenders, in the apprehension and return of a Fugitive to the United Kingdom, in like manner as the expenses of the prosecution in Ireland of felony, and in Scotland of a crime are paid.

Resolution to be reported upon *Monday* next.

MOTION.

METROPOLITAN BOARD OF WORKS (MONEY) BILL.

LEAVE. FIRST READING.

Motion made, and Question proposed,

"That leave be given to bring in a Bill further to amend the Acts relating to the raising of money by the Metropolitan Board of Works; and for other purposes relating thereto."—(*Lord Frederick Cavendish.*)

MR. MONK desired to know what the proposed Bill was, as it seemed to him a very objectionable practice that the Government should bring in Bills for raising money—if the Bill were for that purpose—on behalf of the Metropolitan Board of Works.

LORD FREDERICK CAVENDISH explained that some years ago the Metropolitan Board of Works were allowed to introduce Bills themselves for raising money; but latterly, in the time of the late Government, the Government had undertaken the introduction of these Bills in order to impose a check on the expenditure of the Board. The present Bill was absolutely necessary in order to continue works which were in hand.

Motion *agreed to*.

Bill further to amend the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto, *ordered* to be brought in by Lord FREDERICK CAVENDISH and Mr. JOHN HOLMS.

Bill *presented*, and read the first time. [Bill 204.]

House adjourned at a quarter after One o'clock till Monday next.

HOUSE OF LORDS,

Monday, 4th July, 1881.

MINUTES.]—PUBLIC BILLS—*First Reading*—Solway Fisheries (Scotland) * (144).

Second Reading—Incumbents of Benefices Loans Extension * (136); Court of Bankruptcy (Ireland) (Officers and Clerks) * (133).

UNITED STATES—ATTEMPTED ASSASSINATION OF THE PRESIDENT.

QUESTION.

THE MARQUESS OF SALISBURY: I should like to ask the noble Earl the Secretary of State for Foreign Affairs whether he can communicate any later intelligence in respect of the detestable attack on the President of the United States? If he has any, I am sure it would be gratifying to the House if he could give it.

EARL GRANVILLE: My Lords, I am anxious to give all information in my power as to this most sad event, which has so deeply excited the sympathy of this country with the President and people of the United States—sympathy which is every hour increasing in intensity, and is, at least, equal to that felt in the United States itself. I have been in communication with the American Minister here; but he does not appear to have any later intelligence than that which we ourselves received, dated midnight last night, to this effect:—"President seems a little better, and is resting quietly; pulse, 124; doctors have some little hope." I am sorry to hear—but this I cannot vouch for—that later telegrams of a private character are not of so good a description.

TURKEY—THE MURDER OF THE LATE SULTAN, ABDUL AZIZ—MIDHAT PASHA.

QUESTION. OBSERVATIONS.

EARL DE LA WARR asked the noble Earl the Secretary of State for Foreign Affairs, Whether any information could be given with reference to the trial of Midhat Pasha, which was now proceeding at Constantinople? He was quite aware that this was a question of great delicacy as regarded interference on the part of Her Majesty's Government; but it could not be otherwise than a matter of deep interest to their Lordships, and to the country generally, to know that all that was possible was being done to insure a just trial, as upon the issue of the trial might depend the life of a distinguished statesman.

EARL GRANVILLE: My Lords, I have been in communication with Lord Dufferin on this subject, which is exciting great interest in Europe. Of the trial I have received no authentic Report, and it would clearly not be right for me to express any official opinion upon it. I am not, at the present moment, able to give your Lordships any further information on the subject.

LONDON AND SOUTH-WESTERN RAILWAY BILL.

SECOND READING.

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) moved—

"That the Order of the 1st day of April last, which limits the time for the Second Reading of any Private Bill brought from the House of Commons be dispensed with in respect of the said Bill, and that the Bill be read 2ª."

THE MARQUESS OF LANSDOWNE said, he had some doubt as to whether the Bill deserved such indulgence at their Lordships' hands. It sanctioned what seemed to him a very objectionable route for a new line, which the London and South-Western Railway Company proposed to construct, and he should reserve to himself the right of opposing it on a future occasion.

Motion *agreed to;* Bill read 2ª accordingly, and *committed:* The Committee to be proposed by the Committee of Selection.

LAW AND JUSTICE (IRELAND)—SUBSTITUTED PROCESS.—QUESTION.

LORD HARLECH wished to ask the Lord Privy Seal, Whether his attention has been called to the fact that personal service of processes for recovery of possession of land or for debt is systematically evaded in many parts of Ireland, and that the practice followed in most counties of permitting other modes of service to be substituted is not adopted in the counties of Leitrim and Cavan; and whether, with the view of a uniformity of practice and a due execution of the law being insured, he will call the attention of the Lord Chancellor of Ireland to the subject? In explanation of his Question, he begged to read the following extracts from two letters he had received on the subject:—

"Our chairman at the late Quarter Sessions at Ballinamore declared in open Court that his sympathies were entirely on the side of the tenant in ejectment cases which he was then trying, and it was only where the law compelled him he would give a decree. I was present. He struck out several cases on the service of ejectments which has hitherto been ruled and accepted as good service by his predecessors—namely, when a bailiff went on three several days to the defendant's house and finding it closed he posted ejectments on the door of the dwelling and a like copy in the next market town. He gave decrees only when he could not avoid doing so, and then made them comparatively useless by putting long stays on them. In one case, particularly, he showed his feelings. A man who purchased at a sheriff's sale a tenant's interest, sold under a Superior Court writ, brought an ejectment in the usual way on the sheriff's deed, and obtained a decree after a great squabble between the attorneys. But he put a stay of five months on it, and on Mr. M'Keon, the attorney for the purchaser, reasoning with him on the hardship of staying the decree, after giving his money for it, and paying the landlord two years' rent due thereon, he got out of temper and added another month to the stay."

"I, the other day, at Ballinamore, took down in writing expressions made use of by Mr. Waters, the present County Court Judge. The Judge would not on any consideration allow that posting was sufficient service, even where four attempts had been made at service, and the door found shut. In giving his decision, he said, 'That he wished that he could give dismisses in every case of ejectment brought by landlords, as if he was able to go by his own wishes he would never be instrumental in putting a tenant out of his holding.' In every possible way he decided against landlords, and on every application made for a stay on a decree, he granted to October or November. You may make any use of this letter you wish, and also of my name."

LORD CARLINGFORD, in reply, said, that the noble Lord had given no Notice by his Question that he had any intention of referring to the conduct or language of any County Court Judge in Ireland. He (Lord Carlingford) imagined the noble Lord's Question would be a pure question of law, and as such he was prepared to answer it. The question of substituted service was purely one of administration, and turned on the interpretation of the statutes from which County Court Judges derived their powers. It was true that there were exceptions to the practice of allowing other modes of serving process to be substituted for personal service in those cases in which parties could not be found at their dwellings. He had received a letter from the County Court Judge referred to, explaining that his hesitation to allow substituted service was caused by the view which he took of his statutory powers. The diversity in the views of County Court Judges on the question of their right to permit substituted service was, no doubt, inconvenient and unfortunate. The Executive Government had no control over County Court Judges either in Ireland or England; but they had communicated with the Lord Chancellor of Ireland with the hope that uniformity of practice might be obtained in the matter to which the attention of their Lordships had been called.

THE MARQUESS OF LANSDOWNE said, the question was a very difficult one, and he was very glad that the noble Lord opposite (Lord Harlech) had brought it forward. There could be no doubt that the personal service of writs was open to very serious objection, for it was fraught with much danger and often marked by bloodshed. He said this not at all in the interest of the landlords. What happened was this—In a disturbed district a number of writs were issued, and probably only a very small portion of them led to any result or eviction. When the writ could not be served application had to be made to a Superior Court for substituted service; but when such application was made the parties were put to considerable expense, and also to considerable delay. Even then they were met with the further difficulty that the Judges might hold very different opinions as to the circumstances under which they were justified in allowing substituted services to take place. He had the strongest possible sympathy with what was recently said by a County Court Judge—namely, that while the law remained as it was he did not feel justified—except on the strongest possible evidence—to allow substituted service. It seemed to him that there was a great deal to be said in favour of the view that, under particular circumstances, the Court before which the case was first heard might be allowed on its responsibility to allow service by posting the notice in some public place or sending it through the post. If that were permitted there could be no doubt whatever that the service would take place in an effectual manner, and he believed that a considerable amount of bad feeling and personal risk would in many cases be avoided.

EARL CAIRNS said, that the tendency of modern legislation had been to enable the Courts to order substituted service through the Post Office, and when it was done in that way much trouble was saved and no disturbance whatever took place. If the County Court Judges had that power it was a pity they should not exercise it; but if they had not the power the law should be amended to give it to them.

LORD CARLINGFORD said, he did not think that his noble Friend behind him (the Marquess of Lansdowne) was quite correct in his observations. Unless he (Lord Carlingford) was quite mistaken the jurisdiction in cases where the proceedings originated in the County Court itself lay with the County Court Judge, and not with the Superior Court, unless there had been an appeal. It so happened that on the point mentioned in the Question of the noble Lord there had never yet been an appeal; and, therefore, the Superior Courts had not had the means of guiding the Courts below them.

THE EARL OF LONGFORD said, there was very good reason in Ireland for permitting substituted service. The rule requiring the personal service of writs bore very hardly on many persons who were anxious to recover the rents due to them. The noble Lord had, he thought, passed rather lightly over the difficulty of personal service, the ringing bells, the beating drums, the lighting fires on hills, and the other means of collecting a mob to prevent the process-server doing his duty. He was of opinion that the personal service of process was more frequently prevented by violent interference than by the absence of the debtors. He was in favour of permitting service through the post. Process might, in the absence of the debtor, be served by affixing the writ to a door; but even in such cases ingenious attempts were made to defeat the law by removing the door.

LORD CARLINGFORD explained that in his statement he purposely omitted cases of intimidation, for the County Judge informed him that in those cases his powers were such that he had no difficulty in giving directions for the service of the process to be made otherwise than personally.

The Earl of ANNESLEY said, that some alteration in the system of process-serving was urgently needed in the County of Cavan. It was his misfortune to possess a considerable estate in that county, and he could inform their Lordships that in point of fact there was no law whatever in that county, owing to the action of the County Court Judge in question. His tenants had declared last November that they would not pay their rents, and they had stuck to their resolution ever since. Whenever a process-server appeared among them the people were at once called together by the sound of the drum and by other loud noises. On one occasion 2,000 men had been so assembled, and, armed with guns and pitchforks, they had proceeded to his hunting lodge, which they had threatened to burn down. He had recently heard from his surveyor that a tenant who had been dispossessed of a small farm by the sheriff had openly driven his stock back upon the holding, of which he was now in possession, boasting that there was no one who could turn him out. That was the law in Cavan as administered by Mr. Waters.

The Earl of SANDWICH said, he hoped the Lord Privy Seal would turn his attention to the law regulating the recovery of land in Ireland, for it required amendment. On his (the Earl of Sandwich's) estate in Limerick County he had to take a tenant before a Court of Law in Dublin, in order to evict him, because he would not pay his rent. He had been successful in the action; but, notwithstanding this, the tenant still remained in his holding and defied the law. Another tenant of his had had his goods seized on civil process by a money-lender, who turned him and his family, neck and crop, into the roadway, entered into possession of the unfortunate man's holding, and so instituted himself one of his (the Earl of Sandwich's) tenants without asking his leave. There he remained, and he was unable to eject him. It was very Irish law that was in force in Ireland at the present time.

ROYAL UNIVERSITY OF IRELAND—THE SCHEME OF THE SENATE.

QUESTION. OBSERVATIONS.

Lord EMLY asked the Lord Privy Seal, Whether Her Majesty's Government have considered the scheme laid before Parliament in April last by the Senate of the Royal University of Ireland, and whether they will announce their intentions on the subject in time to allow matriculation examinations to be held during the present year? The noble Lord said that the subject to which the question referred excited much interest in Ireland, and that the Secretary of the Royal University of Ireland was besieged by anxious inquiries on the subject. He believed that something like 1,700 students had passed the highest standard in the examinations held in connection with the system of intermediate education in that country, and a great number of them would be prevented from competing for various prizes at the Royal University on the ground that they would be too old to do so if the matriculation examinations were postponed much longer. He would point out that the very class of persons who would be selected as examiners would be just about to go away for their vacations. He hoped the Government, who had had three months to arrive at a conclusion, would announce their decision, so as to avoid the grave inconvenience which would otherwise be caused.

Lord CARLINGFORD assured his noble Friend that he felt as strongly on the subject as he did. He was quite aware of the great interest taken in the matter by a large number of persons in Ireland. Her Majesty's Government, being quite aware of that fact, would be very sorry that the present year should be lost, and would take steps, so far as lay with them, to enable the Royal University of Ireland to commence its operations without delay. He was able to inform his noble Friend that it would be his duty before very long to introduce a short Bill into this House for the purpose of charging upon the Irish Church Fund such an annual sum as in the view of Her Majesty's Government would be sufficient to enable the Royal University of Ireland to perform its work, and, as they hoped, with efficiency and success.

Lord EMLY said, that he had heard the statement of his noble Friend with the greatest possible satisfaction, and he was quite sure that that satisfaction would be felt by all persons in Ireland who really took any interest in higher education.

ARMY—DESERTION.

QUESTION. OBSERVATIONS.

THE EARL OF GALLOWAY said, he rose to call attention to a statement reported in the public journals to have been made by the Secretary of State for War on the 24th of June, that "desertion in the Army has already been greatly reduced within the last ten years;" and to ask Her Majesty's Government How that statement, made by a Cabinet Minister, could be reconciled with the figures given in the War Office Returns, showing an average increase of over 60 per cent during the years referred to over previous years?

THE EARL OF REDESDALE (CHAIRMAN of COMMITTEES) said, that before the noble Earl put his Question he wished to call attention to the manner in which it had been framed. It had always been held that their Lordships' House should not take notice of what had occurred in the other House of Parliament, as reported in the public journals.' He would suggest that his noble Friend should leave out the words referring to a Cabinet Minister, and simply call attention to the statements made in a paper issued by authority. It was better that the strict Rules of the House should be observed.

THE EARL OF GALLOWAY said, he would have been much obliged to his noble Friend if he had brought the subject to his notice two days ago. He would be only too happy to put the Question in the manner suggested by his noble Friend. It was, however, only on Friday last, that the noble Duke (the Duke of Argyll) had pointed out that both the First Commissioner of Works and the President of the Board of Trade had laid themselves open to a charge which practically amounted to a perversion of facts; the noble Marquess (the Marquess of Waterford) who followed the noble Duke in debate, had also shown that the Chancellor of the Duchy of Lancaster came under the same category; and he (the Earl of Galloway) now regretted that he felt it to be his painful duty to add a fourth Minister of the Crown to the same list —namely, the Secretary of State for War. A fortnight ago, he (the Earl of Galloway) had brought before the House the subject of waste in the Army, which he had attributed in a great degree to desertion. He had then stated that whereas from 1864 to 1871 the average number of desertions annually was 3,153, the number in the eight following years averaged 5,161. He gave these figures on the authority of the Report of General Lord Airey's Committee. The illustrious Duke the Commander-in-Chief had said that the number of deserters had practically not varied for the last 20 years, if the number of deserters were compared with the total number of soldiers in the Army. He was much surprised when, four days later, he saw in the public journals a statement made by the Secretary of State for War, in "another place," that, by the greater popularity of the new scheme in the country, desertion, which had already been greatly reduced, would be still further diminished. What were the facts? The General Annual Return of the British Army, which had been prepared at the instance of the Commander-in-Chief (the Duke of Cambridge) for the information of the Secretary of State for War, showed that there had been a great increase in the amount. It showed that during the 10 years from 1861-70 inclusive, the number was 33,578, whereas from 1871 to 1879 inclusive, it was 45,485; and, if he added to those figures those which he found in another document which had been laid on the Table of the House—namely, the Annual Return of the Inspector General of Recruiting, and which showed a great increase last year, the figures being 4,881—they would find that the total for the latter 10 years amounted to no less than 50,366. He had thought it right to bring the matter forward again; and he wanted to know whether they were to accept the statement of the illustrious Duke, or that of the Secretary of State for War, or take the figures from these Returns?

THE EARL OF MORLEY said, that he could not but admire the pertinacity with which the noble and gallant Earl opposite returned to this subject, notwithstanding the explanation which he gave the other night, and which the noble and gallant Earl had totally ignored. What he was doing, when he gave the figures to which the noble and gallant Earl referred, was comparing the waste of the Army under the long and short-service system, and deducting the number of those who rejoined from the number of those who deserted. The noble and gallant Earl had referred to 1870; but when the Army was in a transition state it was impossible to judge what the effect of the new organization was. He called the attention of the noble and gallant Earl to Table 25 of the Returns, in which the figures were given. In all the years included in that Table—namely, 1861 to 1879—whether under long or short service, there had been fluctuations in the rate of desertions, and these fluctuations were not affected by the length of the service. Desertions were affected by the state of trade, the rapid augmentation of the Army, the chances of employment, and various other causes with which he was reluctant to trouble the House. He would, for the purpose of comparison, take the five years of long service ending in 1869, and the five years of short service ending in 1879. He found, as the noble and gallant Earl said, there was a certain increase in the total number of desertions in the last five years as compared with the five years ended in 1869. He never disputed that. What he did say was that the number of men who rejoined the Army was in the first five years smaller than in the second five years; and the average of the net loss per annum in the years 1875-9, after deducting those men who rejoined, was only 217 more than the average net loss per annum for the years 1865-9. But the main point was to compare the figures with the average strength of the Army and the number of recruits who annually joined the Army. It was admitted, on all hands, that desertions took place more at home than abroad, and more among young recruits than old soldiers. In the last five years, from 1875 to 1879, the strength of the Army at home was, on the average, excluding officers, about 12,000 more than in 1865-9; and yet the percentage of net loss on the Home Army was almost exactly the same. [The Earl of GALLOWAY dissented.] The noble and gallant Earl shook his head, but let him show where the error was. In 1861 there were 10,000 recruits, and the percentage of deserters was 41. Taking all the years from 1861 to 1879, the percentage of deserters to recruits was 22. In the last year of long service—1869—the percentage of desertions to recruits was 27. There had been a gradual and marked decrease in the desertion of recruits. In 1875, the percentage was 24; in 1877, it was 17; in 1878, it was 19; and in 1879, it was 16. He thought these figures completely refuted the argument of the noble and gallant Earl. Taking into consideration the total waste, he repeated that, although the number of desertions, considered by themselves, were larger, yet, taking net results into consideration, the waste of the Army under the short-service system had, practically, not increased; and, if further, they took the other causes of waste, such as death and invaliding, into account, the waste had actually diminished.

THE EARL OF GALLOWAY said, he had not offered one observation on the question of long or short service. He quoted certain figures, and they had not been disputed, and the noble Lord representing the Government had only tried, by beating about the bush, to prove that black was white; but he adhered to the figures. What he wanted to know was whether or not desertions had increased? The noble Earl, in his answer the other day, certainly led the House to suppose that, on the whole, they were decreasing, and his statement was confirmed by his Leader in the other House; whereas, when the Returns were published, it was found that instead of their being any decrease they had increased at least 60 per cent during the last 10 years. Were they to accept the figures in the Return as correct or not?

THE MARQUESS OF HERTFORD said, this was another illustration of the saying that they could make figures prove anything. For his own part, he considered the answer of the noble Earl an unsatisfactory one. All officers speaking on this subject, whether they came from India, from Malta, or from Aldershot, were unanimous in complaining of the increasing number of desertions. He thought the explanation of the apparent contradiction was to be found in the fact that certain men deserted several times. He heard of one man who had joined 18 different regiments. They would never stop this until they adopted a system of marking. Humanitarians talked of the pain, but men often marked themselves from fancy.

LORD CHELMSFORD said, that the Question which was asked by his noble and gallant Friend was not about the waste of the Army, but whether during the last 10 years desertions had not been increasing, and the effect of the answer given by the noble Earl that night appeared to be that, taking the net results and making allowance for those who returned from a state of desertion, the number remained about the same. When a soldier was brought back to his regiment as a deserter, the fact of his return did not cancel his previous act of desertion, and thus diminish the total number of desertions, as the noble Earl seemed to maintain. The important fact was that in the last 10 years there had been a large increase in the number of desertions as compared with the previous 10 years. What the reason for that increase was it was not for him to say. The question, however, was not one as to the gross or the net loss of the Force.

COMPULSORY EDUCATION.

PETITIONS PRESENTED. OBSERVATIONS.

EARL FORTESCUE, in rising to present some Petitions from Boards of Guardians in Devonshire and from a local Chamber of Agriculture praying that the limit of age for compulsory education might be lowered below 14 years, and that passing the Third Standard only, instead of the Fourth Standard, might be required of children as the condition of their being allowed to work for their living, said: My Lords, in presenting these Petitions from the Devonshire Chamber of Agriculture, and the Boards of Guardians of South Molton, Holsworthy, and Newton Abbot, which are identical in their Prayer, and from the Board of Guardians of Okehampton, which only differs slightly from that Prayer, I must begin by professing my complete agreement with the first of these entrusted to me, that from the South Molton Board of Guardians, the circulation of which in Devonshire led to its adoption, either in its entirety, or with slight modification, by these other bodies—

> "Your Petitioners beg to state that they are fully sensible of the great importance of education, and are sincerely desirous that even the poorest children in the land should receive such instruction in reading, writing, and arithmetic as to enable any child wishing to do so after leaving school to proceed further in the acquisition of knowledge."

I can, from personal experience of nearly 40 years, first as Vice-Chairman, then as Chairman, of the South Molton Board of Guardians and of its School Attendance Committee, testify to the sincerity of the statement of their full appreciation of the importance of education. For the Guardians in both these capacities have throughout loyally endeavoured to carry out the law, not merely by legal proceedings, but, both before and since the Act of 1870, by often substituting an order for the workhouse for out-door relief in cases of obstinate refusal or evasion on the part of parents or children; and, further, in the instance of many Guardians, by their personal influence as employers of labour. I can say the same from long personal knowledge of my friend, Colonel Tanner Davy, the mover of the Petition at the Chamber of Agriculture. And I feel bound to say this on their behalf, because I well know to what misrepresentations both the Petitioners and I shall be exposed from the declaimers in favour of education, who, thanks to the educational grants from the Treasury, and the more recent school rates levied on real property—public contributions both originated in my time—have now the opportunity of cheaply earning a reputation for superior enlightenment and sympathy with the people. It was very different 40 years ago, when I first began endeavouring to promote education at the sacrifice of much labour, a good deal of money, and for a long while of a certain amount of popularity. Your Lordships will forgive me if I go on to say, in no spirit of boastfulness, but merely in my own defence against attacks which I foresee, that I have endeavoured to promote and improve education to all classes—in my own class, by giving some prizes to the great public school, of which I and most of my sons have been *alumni;* in the middle class, not only by taking a leading part in the foundation of the Devon County School—the first county school ever established, which has passed more boys at the University local examinations than any other school in England—but also more recently by actively assisting in the foundation of Cavendish College, which is now enjoying a success and doing a work worthy of the illustrious name which it bears. Yet in money I have spent many times more in building, maintaining, and supporting elementary schools for the wage class, and training colleges for teachers in them, than I have for both the higher and middle class together; and though this is to be reckoned by thousands in the course of my life, what I have done in this way is little indeed compared to what has been so spent by many Members of this House, and also by many others. For the amount freely given for building elementary schools and training schools for teachers, by members of different Christian Churches, and especially of the Church of England, amounts to £5,000,000 in my own time, besides what they have given for their maintenance, which would amount to many millions more. I must also, in passing, express my concurrence in what the Petitioners go on to say—

> "Your Petitioners must add that they would, moreover, desire to see all children (except those whose parents deliberately object) instructed besides in the elementary truths of Christianity."

The good sense and good feeling of the nation, in spite of our defective legislation on this point, from the first sanctioned the general adoption of at least Scripture reading in the schools, except, indeed, in one of the largest and wealthiest towns in England, which, to console it for its excessive juvenile delinquency, and, indeed, general criminality, its excessive amount of preventible disease and preventible mortality, has the exceptional honour of returning two Cabinet Ministers to Parliament. But I pass on to points of more immediate practical importance. The Petitioners say—

> "Your Petitioners are satisfied, from their own experience and that of elementary school teachers, that one especially of the well-meant provisions in the statutes, and the only byelaws of late sanctioned by the Education Department, is often a cause of great hardship to some of the children themselves, to their parents or surviving parent, if independent, and, if paupers, to the ratepayers, and that it unquestionably much impedes the industrial training of those children, while generally adding very little to their book-learning. Your Petitioners mean the provision prohibiting (except on the half-time system as under the Factory Acts) the industrial employment of children up to the age of 14, unless they have passed the Fourth Standard, or have made 250 attendances yearly for five years at a certified efficient school. This implies less time of earning and of industrial training to the children, and correspondingly more expense for their maintenance and schooling, either to their parents or to the ratepayers, as the case may be."

I hardly know what I can add to the Petitioners' reasoning. They do not deny, what I confidently affirm, that children can and often do pass the Fourth Standard at 10 years old. But what we contend is, that though the Fourth Standard is desirable for all, and attainable by many, children, it is not yet at present practically attainable by others, and probably never will be for all. According to the old proverb, one man can take the horse to the water, but 50 cannot make him drink. The Petitioners say—

> "In the instances, such as your Petitioners have known, of children having, owing to their parents' neglect or their own, passed only the First or Second Standard at 13, this prohibition implies another year's detention at school of a child despairing of escape from it, except by the lapse of time, and therefore probably idle, conscious of being a burden instead of a help to its parents, and therefore justly discontented and probably disposed to be mutinous, and almost certain from its age to exercise some influence over its school-fellows, probably to their disadvantage and to the annoyance and discouragement of the teacher. Moreover, the postponement of all industrial training till after 14 places the child in many kinds of work at a permanent disadvantage, and renders it for life a less productive member of the community."

Who, for instance, doubts that a boy who has not begun to handle animals till after 14, will, unless he happens to have an exceptional aptitude for it, stand at a lasting disadvantage compared with those who have begun at 10 or 12?

> "The practical operations of this provision bearing hardly upon all, bears all the harder upon the agricultural ratepayers; because, while they find the juvenile labour required by them thus rendered scarcer and dearer, they have to pay in school rates for the often useless schooling of many, and in poor rates for the maintenance of not a few, children who might be maintaining themselves by labour profitable to the community, and doubly useful to themselves as a source of earnings for the present and of industrial training for the future."

I was ridiculed some time ago for talking of the influence of recent school legislation upon agriculture, and especially upon weeding. But it is obvious that weeds must considerably affect the present, and, if left to spread, the future productiveness of the land. Weeding, however, can only profitably be done with cheap labour by those who have passed or those who have not yet come to their full strength. The crippled and aged have backs and fingers too stiff, if not eyes too dim, for weeding with efficiency or comfort, whereas the sharp eyes, flexible frames, and lissom fingers of children are particularly suited to the work. I stated some years ago in the

House, previous to the present agricultural depression, that £50,000 a-year less was being then spent on juvenile labour than before in Norfolk, so that a county, once considered the model county of England for neat and skilful cultivation, had, I learnt from good authority, perceptibly deteriorated. We hear much of the danger of England's being distanced in her present severe industrial competition with other countries on account of their superior education. The highly protective Tariffs of all other civilized nations, including our own Colonies, look as if that was not their opinion. But if this danger be real, I believe it rather to arise from the ill-devised and unsatisfactory, though most elaborate, scheme of education, gradually forced upon the nation by that unpractical and essentially bureaucratic Department, the Education Office, with its expensive and complicated system of tests, with its voluminous Codes, requiring a costly army of clerks in Downing Street to administer them, and a costly flying corps of some 150 Inspectors, scouring the country to test and enforce them, by annually examining every child in the schools, sometimes for five years or more, in reading, writing, and arithmetic, and separately noting its progress in each. What would be thought if they examined the cloth for any Government Department—first, when the wool had been carded; then, when it had been spun into thread; then, when woven; and then, when dressed and pressed; instead of examining it once for all when sent up as cloth? Why not test the children only on leaving school? A great majority of the school teachers throughout the country deprecate these frequent examinations, not only as being very costly and troublesome, but very depressing to slow children and repressing in their operation upon quick children, retarding the progress of the slow, many of them say, one year, and of the quick two years, involving in the aggregate a serious loss in the postponement of productive work, and the prolongation of costly schooling to millions of children. I do not impute much blame for this to the Parliamentary heads of the Department. With their many other important political duties as Members of the Cabinet, the noble Duke opposite (the Duke of Richmond and Gordon), who for years besides the lead of this House had the charge of many legislative as well as administrative measures, and my noble Friend his Successor (Earl Spencer), with much special attention to give to Irish questions, it is impossible, as there are but 24 hours in the day, they should have been able to devote much time and attention to the Department. We see an illustration of this when the very able permanent officials in it, always seeking fresh fields to conquer, carried that anomalous novelty called Advanced Elementary Education—certainly never contemplated by the authors of the Act of 1870—so much further than the noble Duke intended, that he strove in vain, too late, to restrain it. The education given in most of the schools under the Department, judged by its results, is stated to contrast unfavourably, not only with that in the half-time Greenwich naval schools, declared by a naval officer sent by the United States to report upon the naval schools of Europe to be decidedly the best of them, the class of lads there being, however, superior to the average, but to contrast unfavourably with that in the half-time district pauper schools under the Local Government Board, and the half-time reformatory and industrial schools under the Home Office—all three with children of inferior hereditary types and low early associations, but all three with regular drill, to which I think every schoolboy in England, from the Duke's son to the beggar's, should be subjected, as a most useful educational and disciplinary instrument, valuable for industrial as well as martial training. The teachers and managers of these institutions, in charge of some 30,000 children, at a recent meeting earnestly protested, on account of the probable consequences to those children, against being transferred to the Education Department. My friend, Mr. Chadwick, a member of the original Commission of Inquiry into the state of factory children, having long taken a deep interest in education, and recognized throughout Europe as one of the highest sanitary authorities, says in a recent address—

> "The long-time teaching has large physical drawbacks. The first evil is a reduction of aptitude for physical labour and steady industry. We must keep in view, as a cardinal maxim, as the first objective point in all popular elementary education, the *Primo vivere deinde philosophari.* Long desk-work makes labour painful to the pupils at the outset. It certainly tends with us to overcharge the labour market for sedentary service at the expense of agricultural service.

It is now a subject of wide complaint in our rural districts, that the eyes of children taken into schools under the new compulsory law are seriously injured. We see such a result elsewhere in the large proportion of the soldiers who are spectacled in some of the more educated States on the Continent."

Curiously enough, within the last week, I was reading in a French paper of the attention which the great increase of shortsightedness in France attributed to increased school attendance is exciting. Mr. Chadwick goes on to say—

> "Then as respects females, we find that curvatures of the spine are seriously frequent in long-time schools where physical exercises are deficient. These evils the half-school-time principle reduces decidedly and immediately by much more than one-half. With us, and in France and Belgium, there are complaints of the increasing scarcity of competent agricultural labour, and of the tendency which the population shows to seek more sedentary or more interesting society of the towns. This evil agriculturists are beginning to trace to the defective character of their education, which fails to interest them in rural life and rural occupations."

The opinion of this veteran official inquirer is remarkably confirmed, I find, by an eminently independent and unofficial thinker and writer, Mr. Herbert Spencer, who remarks—

> "To be a nation of good animals is the first condition of national prosperity. Not only is it that the event of a war often turns on the strength and hardihood of soldiers, but it is that the contests of commerce are in part determined by the bodily endurance of producers. Thus far we have found no reason to fear trials of strength with other races in either of these fields. But there are not wanting signs that our powers will presently be taxed to the uttermost. Hence it is becoming of special importance that the training of children should be so carried on as not only to fit them mentally for the struggle before them, but also to make them physically fit to bear its excessive wear and tear."

Confirmed in my views by such high and varied authorities, I will conclude by reading the Prayer of the four Petitions—

> "Your Petitioners therefore pray that passing the Third Standard, which implies the possession of elementary knowledge quite sufficient to enable the child afterwards to acquire an indefinite amount of further knowledge, may be substituted for the Fourth Standard, as the indispensable preliminary to engaging in ordinary work, and that, at least, until the establishment of some efficient general system of half-time labour and education, 12 may be substituted for 14 as the limit of compulsory school age."

The Okehampton Petition prays for 13 instead of 14 as the limit of compulsory school age, and 10 for beginning half-time work.

THE DUKE OF RICHMOND AND GORDON said, he would not enter into the question of the limit of age of school board pupils, as it had been debated over and over again, and Parliament had given an emphatic judgment upon it. He must confess that although he had listened with attention to the speech of the noble Earl, he could not even now understand what it was the noble Earl desired. His speech seemed to be an attack upon the Education Department, because at the commencement of it he confessed that he did not like it, in the middle he repeated that he had no opinion of it, and towards the end he stated that he distrusted it. The noble Earl said that the time of the Lords President was too much taken up by various matters outside the Department to admit of their being able to superintend the work of the Office as much as they ought. He was very much surprised to hear the noble Earl make such an attack upon the Education Department. Now, at the time the late Government were in Office he was responsible for everything that took place in that Office; and he had no hesitation in saying that it was one of the best-officered Departments of the Government. All the working of the Department was carried out, under the authority of the Lord President, by the Permanent Secretary (Sir Francis Sandford), who was a most able man, and had taken a high position at Oxford. The Inspectors of the Department, also, were worthy of the high character they bore; they were an excellent body of men, and did their work in a most satisfactory manner, as also did the Examiners. He was therefore at a loss to know the ground on which the noble Earl had attacked the Department; and he felt it his duty to rise and protest against the statements the noble Earl had made.

EARL SPENCER said, he entirely agreed with the noble Duke as to the efficiency of the very distinguished body of gentlemen who managed the Education Department under their political Chiefs; and he also had the highest possible opinion of the Inspectors throughout the country. He believed that both the gentlemen in the Department and the Inspectors fully understood what the people required in regard to elementary education. When he saw his noble Friend's modest Notice on the Paper, he did not expect that his noble Friend would make a speech attacking the permanent officials and their political Chiefs; but his noble Friend had gone through the whole subject of National Education in a manner which he (Earl Spencer) was not prepared to hear. His noble Friend would hardly expect him to follow him through all his points. He could not at present do justice to the subject; besides, the question should be brought up on a Motion, and not upon a Petition. He would answer the Question of which his noble Friend had given Notice. They all knew how zealous his noble Friend was in the cause of education; but he differed from his noble Friend in the views which he had put forth that night. He received a great number of Petitions, almost identical in terms to those presented by the noble Earl, last year both after and before the passing of the bye-laws which really completed the system of compulsory education in the country. His answer to the Petitions was that he did not see that there was any practical hardship whatever in the present law, for every child had an opportunity of going to work before the age of 14, either by passing Standard IV., which could very well be done at the age of 10—no fewer than 9,000 children under 10 having passed that standard last year—or by making the requisite number of attendances under the so-called "Dunces' Clause." Any modification of the present restriction, which only told against a very few children, would, he believed, tend to remove the inducement now felt by parents to keep their children regularly at school. He did not, however, see why the principle of half-time should not be more largely applied to agricultural districts, so that children might be able to go to the fields just as they did to the factories in manufacturing districts. Huddersfield and other large towns had even adopted Standard IV. for half-timers.

Earl **FORTESCUE** said, he begged to disclaim any intention to censure either the officers of the Education Department or the Inspectors.

SOLWAY FISHERIES (SCOTLAND) BILL [H.L.]

A Bill to amend the Law relating to Fisheries in the Solway Firth—Was *presented* by The Earl of Galloway; read 1ª. (No. 144.)

House adjourned at a quarter past
Seven o'clock, till To-morrow,
half past Ten o'clock.

HOUSE OF COMMONS,

Monday, 4*th July*, 1881.

MINUTES.]—New Writ Issued — *For* the District of Elgin, *v.* the Right Hon. Mountstuart Elphinstone Grant Duff, Governor of the Presidency of Fort St. George at Madras, in the East Indies.

Public Bills—*Committee*—Land Law (Ireland) [135]—R.P.

Committee—Report—Erne Lough and River (*re-comm.*) * [200].

Withdrawn—Teinds (Scotland) * [118]; Merchant Shipping * [151]; Thames River (No. 2)* [148].

QUESTIONS.

THE COMMERCIAL TREATY WITH FRANCE (NEGOTIATIONS)—THE FRENCH PROTECTORATE OF TUNIS.

Lord **RANDOLPH CHURCHILL** gave Notice that he would, to-morrow, ask the Under Secretary of State for Foreign Affairs, Whether he could state to the House at what stage the negotiations for a Treaty of Commerce between France and England had now arrived; whether it was the case that the English Government had intimated to the French Government that they were prepared to recognize fully the French Protectorate at Tunis, and to accredit Her Majesty's Consul at Tunis to the French Minister, in consideration of certain concessions on the part of the French Government favourable to English exports to France; if not, whether he could state to the House whether the negotiations between England and France with respect to the French Protectorate at Tunis had been kept absolutely and entirely separate and apart from those relating to the Commercial Treaty; whether it was a fact that the Italian Government had refused to recognize the French Protectorate of Tunis and the appointment of M. Roustan as intermediary for official communications with the Bey; and, whether the Italian Government had not more than once since the commencement of hostilities pressed Her Majesty's Government to act in concert with them regard to Tunis; also, whether he would lay on the Table of the House a Return showing the number of British Colonists and the extent of British trade at various places in Tunis and in Tripoli?

Sir CHARLES W. DILKE: I will answer the first part of the Question at once—namely, that portion of it relating to the Commercial Treaty. The negotiations respecting the Commercial Treaty have been kept absolutely distinct from any correspondence with regard to Tunis. There is not the smallest foundation for any report—which report I have not myself seen—in regard to certain concessions with regard to Tunis having been asked for in consideration of any Commercial Treaty. With regard to the other part of the Question, I will answer it to-morrow.

UNITED STATES—ATTEMPTED ASSASSINATION OF THE PRESIDENT.

Sir STAFFORD NORTHCOTE: In view of the great anxiety which prevails in the minds of the public, and of the sympathy which they feel with a friendly Power, I take this opportunity, before Questions are asked, of asking the Prime Minister, Whether the Government have any further intelligence to give us beyond what appears in the public prints as to the terrible and atrocious crime committed in the United States, and more especially with regard to the present condition of the President?

Mr. GLADSTONE: Sir, I cannot be surprised at the Question of the right hon. Gentleman with regard to an outrage which, in its own character, is such as to attract the attention of the whole world, and which affects both the feelings and the welfare of a nation which is not only friendly to us, but which I really believe is growing more friendly from year to year. The public has been supplied with extraordinary promptitude with information in regard to all the fluctuations of the terrible trial which the President has been called upon to go through. We have nothing whatever—nor, so far as I am aware, has the American Minister anything—to add to the intelligence that has already been published. I grieve to think that the latest of these communications is of a nature to damp a good deal the expectations which, late on Saturday night, and during a considerable part of yesterday, might have been rather warmly and confidently entertained. We can yet trust in Providence for a favourable issue; but we have nothing to add to the intelligence that has already appeared in the public journals.

Mr. GLADSTONE, afterwards, said: I wish to say, with reference to the Question that was put to me at an earlier portion of the evening, that I have had a letter from the American Minister stating that no later accounts had been received of the condition of President Garfield up to half-past 10 last night. But, at the same time, there came to me a Reuter's telegram stating that at a quarter-past 8 this morning there was no material change in his condition.

INDIA—STATIONERY SUPPLIES.

Lord GEORGE HAMILTON asked the Secretary of State for India, If the attention of the India Office has been directed to the letter of the Calcutta Trades' Association of the 9th May 1881 to the Viceroy of India, complaining of the recent withdrawal by the Secretary of State for India of the discretion given to the Government of India to obtain their stationery supplies in India, although

> "the system of resorting to the local market has, in fact, resulted in a confessed success, for not only has the Government secured better and more suitable supplies, but a considerable pecuniary saving to the State has also, it is believed, been effected;"

and, if he is able to contradict the above statements?

The Marquess of HARTINGTON: The letter of the Calcutta Trades' Association of the 9th of May, 1881, has not been communicated to me by the Government of India; but that Government has drawn my attention to certain recent supplies to which it refers. I am not satisfied that the system of resorting to the local market has resulted in a success, or that a considerable pecuniary saving to the State has been effected, as that statement is opposed to the information forwarded to me by the Store Department of the India Office. On that question I am in correspondence with the Government of India.

CRIMINAL CODE BILL.

Sir R. ASSHETON CROSS asked the First Lord of the Treasury, Whether, having regard to the extreme importance of the Criminal Code Bill introduced by the late Attorney General, and to the labours of the Royal Commission (presided over by Lord Blackburn), on which it was founded, and having regard also to the practical difficulty of dealing with so large a subject in one single Session, the Government will take into consideration the expediency of dealing with the subject from time to time by sections; and also the expediency of further revision of some part of the Code during the Recess with a view to immediate action, so that the success of this undertaking may be insured without unreasonable delay?

MR. GLADSTONE: The answer to the Question of the right hon. Gentleman will be a general answer, and I think the right hon. Gentleman only desires to have a general answer. That answer would be in the affirmative.

BRITISH BURMAH—EXCISE REVENUE.

MR. O'DONNELL asked the Secretary of State for India, Whether it was already known early in 1880 that the Excise Revenue of British Burma had largely increased, and that the most of this increase was due to an increase in the consumption of opium; whether the consumption of alcoholic drinks is spreading both in Burma and Bengal, and the revenue from the Excise Department on the sale of intoxicating liquor increases annually; whether the statement is accurate that in the single year 1879-80 the number of shops licensed by the Government to sell intoxicating spirits to the native population increased from 3,911 to 4,981; whether it is the case that instructions are issued to the administrative officials throughout the various collectorates and sub-collectorates to ascertain in what districts Government drink shops can be opened with the greatest profit to the Revenue; and, whether complaints have been repeatedly addressed to the authorities that these proceedings of the Revenue authorities are steadily sapping and ruining the sober habits of the Indian community, and constantly creating circles of habitual drinkers in every district?

THE MARQUESS OF HARTINGTON: In May, 1880, the Chief Commissioner of British Burmah drew attention to the growth of Excise Revenue in that Province, which it appeared was to a great extent due to an increase in the consumption of opium. The subject having been brought to the notice of Government, steps have been taken, as stated in the House last Monday in reply to the hon. Member for Carlisle (Sir Wilfrid Lawson), to check the consumption of opium, which will, it is anticipated, involve a sacrifice of Revenue of about £50,000 a-year. The increased consumption of spirits in Bengal and British Burmah is attributed, in a great measute, to a general advancement in prosperity; it is also to some extent due to the adoption of the out-still system, whereby a weaker and less injurious spirit is provided in place of the stronger liquor produced at the Sudder distilleries. It is impossible to estimate to what extent there has been an increased consumption of spirits, as the increase in the number of out-stills in Bengal is known to have checked illicit distillation, and the people now drink what has paid Excise instead of illicit spirit; the out-still liquor has also in some measure displaced deleterious drugs. The Commissioners of Divisions generally concurred in opinion that there has been no increase in drunkenness in consequence of the out-still system, which system, while providing for the wants of the people in a legitimate manner, has been the means of bringing in an increase of Revenue to the State. The number of shops in Bengal under the Sudder distillery system has decreased from 1,938 to 902; while those under the out-still system have risen from 3,911 to 4,981. There would, therefore, appear to have been a net increase in the number of shops of 34 in 1879-80, as compared with 1878-9. It is, however, not possible to make any accurate comparison of the number of shops in each of these two years, as the out-still system was not introduced or extended uniformly, and the Returns from some districts accordingly show shops which were only open for a part of either year. With regard to the concluding part of this Question, there is no evidence of repeated complaints having been addressed to the authorities against the proceedings of the Revenue authorities. The Rev. Thomas Evans, of Monghyr, in a letter of the 28th of June, 1880, drew the attention of the Governor General to what he considered to be the ill effects of the out-still system in encouraging drunkenness; but on investigation his statements were considered by the collector of Monghyr to have been "entirely unfounded." Complaints have also been made that the establishment of spirit-shops in the vicinity of tea-gardens in Assam and Darjeeling has led to increased drunkenness among the Coolies employed. These have engaged the attention of Government; and the Government of India, in a recent letter on the subject, stated that while on the one hand they were far from wishing to encourage drinking for the sake of Revenue, on the other hand they could not tolerate the illicit manufacture of spirit, and they were, therefore, constrained to provide for its legal sale wherever a demand was shown to have sprung up for it. Nothing is known of instructions having been issued to the administrative officials throughout the various collectorates and sub-collectorates to ascertain in what districts Government drink-shops can be opened with the greatest profit to the Revenue, and it seems highly improbable that any such instructions should have been issued.

CORRUPT PRACTICES AT ELECTIONS —THE REPORTED BOROUGHS.

Sir R. ASSHETON CROSS asked the First Lord of the Treasury, What course the Government propose to take with respect to those Boroughs as to which Royal Commissioners have reported that corrupt practices have extensively prevailed therein?

Mr. CAINE asked the First Lord of the Treasury, Whether it is the intention of the Government to introduce a measure during the present Session affecting the Constituencies, which have been lately inquired into by Royal Commission; and, if so, whether he will undertake to bring in the Bill at such time that it can be discussed in a full House, and not at the fag end of the Session?

Mr. GLADSTONE: I may at once state, in answer to the Question of the right hon. Gentleman, that Her Majesty's Government do not think it possible to carry any measure definitely dealing with the question of the proposed measures to be adopted; but it will be their duty to introduce a Bill for the purpose of carrying over the matter to the next Session of Parliament.

Sir R. ASSHETON CROSS: Can any announcement be made this Session as to how it is proposed to deal with these boroughs?

Mr. GLADSTONE: I do not think there would be any advantage in making any announcement with regard to the definitive measure. We must confine ourselves, I am afraid, to a Provisional Bill.

POST OFFICE (TELEGRAPH DEPARTMENT)—TELEGRAPH POSTS.

Mr. PUGH asked the Postmaster General, Whether it is the fact that the Post Office Department uses foreign timber only for telegraph posts, whereas many Railway Companies use home-grown timber for that purpose; and, if so, whether he will cause inquiry to be made as to the relative price and value of home-grown and foreign timber in different portions of the United Kingdom, with a view to directing the use of home-grown timber where such a course can be adopted with advantage or without prejudice to the public service.

Mr. FAWCETT, in reply, said, that it was the case, as stated by his hon. Friend, that the telegraph poles used by the Post Office were made of foreign timber. He had ascertained that foreign timber was also used by the leading Railway Companies for similar purposes. The reason why it was chosen instead of home-grown timber was in consequence of its greater durability, owing to the property it possessed of taking on creosote readily. Scotch and English timber would not take it so well. This creosote made the poles last very much longer, and consequently they were cheaper.

CHINA—EMIGRATION—TREATY ENGAGEMENTS.

Mr. BORLASE asked the Under Secretary of State for Foreign Affairs, in the absence of the Under Secretary of State for the Colonies, Whether, considering the continuous influx of the Chinese into New South Wales, as stated in the "Times" of Saturday the 25th, it is the intention of Her Majesty's Government to make such arrangements with the Government of China as may have the effect of modifying those treaty restrictions which at present appear to stand in the way of the Colonial Legislature adopting such expedients as the Government of the United States has seen fit to sanction in the case of California?

MR. CROPPER also asked, Whether Her Majesty's Government, before considering the expediency of making any changes in the existing Treaty arrangements with China with regard to emigration from that country into our Colonies, will ascertain what number of Chinese have annually emigrated to the Australian Colonies during the last decade; and, whether, judging from experience, there is any reason to apprehend that they will emigrate in such numbers as to prove injurious to the colonists?

SIR CHARLES W. DILKE: In answer to the first Question, I have to say that Her Majesty's Government have no present intention of opening negotiations with the Chinese Government on the subject. With respect to the second Question, as to Chinese emigrants in Australia, if it were intended to take any such steps, we should, of course, take care to be prepared with statistics of the emigration. As regards the second branch of the Question, it is rather for the Colonists than for Her Majesty's Government to form an opinion.

LANDLORD AND TENANT (IRELAND) —SERVICE OF PROCESSES OF EJECTMENT.

MR. FITZPATRICK (for Viscount COLE) asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the fact that the chairman of the counties of Cavan and Leitrim, contrary to the practice followed in other counties, requires personal service of all processes of ejectment, and for recovery of rent and other debts, even where it is shown and proved that personal service is systematically evaded, and repeated attempts to effect such proved abortive; whether he is aware that such evasion of service is now the common practice in these counties, and that the course pursued practically defeats the end of justice; and, whether he will communicate with the Lord Chancellor, with the view of the practice of substituting other modes of service being made uniform in such cases?

MR. W. E. FORSTER, in reply, said, he was aware that there was no uniformity in the practice in Ireland with regard to the service of processes of ejectment for the recovery of rent and other debts. He was also aware that considerable inconvenience arose from the absence of this uniformity. He could not interfere with the discretion of the Chairmen of Leitrim and Cavan if they required personal service of all processes of ejectment, as they were independent officials. He would certainly bring the matter under the attention of the Lord Chancellor.

NAVY—CASE OF LIEUTENANT DEACON.

MR. PULESTON asked the Secretary to the Admiralty, his attention having been called to the case of Lieutenant Deacon, Whether he can, in view of the facts and circumstances which have transpired, give favourable consideration to the application which has been made to have the sentence reconsidered?

MR. TREVELYAN: To this case, which is of an extremely painful nature, I may say that every member of the Board has given long and anxious consideration. Lieutenant Deacon was tried by a court martial consisting of three captains and two commanders, with the assistance of the Deputy Judge Advocate of the Fleet. Four officers who were present on the occasion—all messmates of his own—were examined —the commander, two lieutenants, and the surgeon. I will give the question and answer in each case:—"Was the prisoner drunk or sober at that dinner?" "The prisoner was drunk." In the next case:—"Was he drunk or sober at that dinner?" "I consider he was drunk." In the next case:—"Was the prisoner drunk or sober at dinner?" "Drunk." The surgeon was asked the same question—"Was he drunk or sober at that dinner?" "Drunk." The prisoner, who was defended, and skilfully defended, by counsel, did not call any officer who was present at table on the occasion in question, nor did he call any evidence as to previous character from former commanders. When the records of Lieutenant Deacon's service were looked up at the Admiralty, it was found that unfavourable reports had been made about him from two previous ships, which had a marked bearing on the case, and six years—not, as has been stated in the public Press, 12 years —ago he had been dismissed his ship for sleeping on watch. In the judgment of the Admiralty it would have been impossible to have employed Lieutenant Deacon again; and to retain him in the Service would have been to keep him as an annuitant on the public for life. For my own part, I never arrived at a conclusion with greater regret, or with greater certainty that the conclusion was a right one.

Mr. PULESTON asked whether the evidence was not conflicting?

Mr. TREVELYAN replied, that the evidence of the officers present at the table was not conflicting, though the prisoner's servant and one or two Marines had stated that, in their opinion, he was not drunk.

STATE OF IRELAND—COLLECTION OF RENTS AT CAHIR.

Mr. T. P. O'CONNOR (for Mr. Healy) asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that on Friday 24th June, Mr. Patten Bridge, after being refused the use of every hotel and office which he applied at in Cahir, county Tipperary, as a place to receive his rents, was permitted to use part of the premises of the Cahir police barracks as a rent office; and, if so, whether this is in accordance with, or is a breach of, the Royal Irish Constabulary regulations, and if he approves of it?

Mr. W. E. FORSTER, in reply, said, his information was that on the 24th of June Mr. Bridge went to Cahir to collect rents. Owing to the terror established by the Land League, he was turned out of the offices where he used to collect them, and also out of the hotel, and could not gain admittance anywhere. He then went to the sub-Inspector and asked permission to remain in the barracks. That request was very properly acceded to, as he was under police protection, and there was a large crowd in the town. Mr. Bridge was not allowed to collect rents in the barracks; but as some of the tenants had brought their money from a considerable distance, he was allowed to meet them in one of the outhouses or adjoining buildings in the barrack-yard. No breach of the Constabulary Regulations had been committed; and, as the hon. Member had specifically asked the Question, he had no hesitation in saying that he approved the action of the Constabulary.

INTERMEDIATE EDUCATION BOARD (IRELAND) 1880.

Mr. W. J. CORBET asked the Chief Secretary to the Lord Lieutenant of Ireland, If his attention has been called to the Report of the Intermediate Education Board for Ireland for the year 1880 just issued, in which it is stated that—

> "While the large and progressive increase in the number of candidates presenting themselves at the intermediate examinations, which is especially noticeable in the case of girls, affords a gratifying proof of the popularity and success of this scheme of education, nevertheless the increased expenditure, consequent on the increased number of examinees, occasions the Board considerable apprehension of financial difficulties;"

whether he has noticed the passages of the Report in which the Board state that, unless further sums are placed at their disposal, it will become necessary to diminish the number and amount of their rewards, and lower the scale of results fees, and—

> "That the expenses connected with the holding of these examinations cannot be materially diminished without seriously marring their efficiency;"

and, whether, with a view to prevent such a result, he will take immediate steps to place additional funds at the disposal of the Board?

Mr. W. E. FORSTER suggested that the hon. Member had mistaken the Irish Secretary for the Chancellor of the Exchequer. It was not in his power to place additional funds at the disposal of the Intermediate Education Board; and he thought, considering the large sum of money given in 1878 out of the Church Surplus Funds, that it was rather too soon to apply for a further grant.

Mr. W. J. CORBET observed, that he had only asked the right hon. Gentleman to take steps to provide additional funds. He presumed that the right hon. Gentleman would not think it right to risk the failure of the whole scheme for want of adequate funds.

THE SUGAR INDUSTRIES (STATISTICS).

Mr. RITCHIE asked the First Lord of the Treasury, Whether, looking to the fact that in his reply to the Workmen's National Executive Committee for the Abolition of the Foreign Sugar Bounties, the figures of the quantity of loaf sugar refined in the years 1864 and 1881 differ materially from the figures given in evidence before the Select Committee on the Sugar Industries, he will inform the House if he derives his figures from any statistical information that has been laid before the House, and, if so, where it can be found; if not, will he inform the House from what other sources the information is derived, and lay a Copy of it upon the Table of the House, giving, if possible, the quantity refined in each year from 1864 to 1881, and along with this the quantity imported in the same years; and, whether it is to be understood that Her Majesty's Government have definitely decided that in the renewal of Commercial Treaties with Foreign Powers they are prepared again to assent to provisions which render them powerless to take any action by means of countervailing duties, or otherwise, against bounties which Lord Granville, in his Despatch to Mr. Adams on the 30th of July last, wrote—

> "Were contrary to the spirit and intention of those Treaties, and would in another way produce the very effect which their stipulations with reference to import duties were intended to prevent?"

MR. GLADSTONE, in reply, said, it was rather difficult to give satisfactory information in answer to a Question of this kind across the Table without going into much detail. He thought the most important answer he could give was that they should lay upon the Table Papers containing all the hon. Gentleman wished to see, containing the nature of the bounties and the grounds upon which the Government formed their opinion. He might say, however, in answer to the Question, there was a mistake in the evidence given before the Committee in relation to the sugar refining in 1880-81. There could not have been, and was not, any information on that.

MR. RITCHIE: Except that the evidence showed that practically the loaf sugar refining was extinct at that time; and it is rather startling to be told now——

MR. GLADSTONE said, he meant that there was no evidence given before the Committee of the House of Commons with regard to the product in 1881. What he wished to say was that he believed the hon. Gentleman was proceeding upon an estimate given in by Mr. Martineau. That gentleman stated before the Select Committee, in answer to a Question, that his estimate might be inaccurate; and upon the investigation of other evidence given by other witnesses —Mr. Neil, Mr. Ashton, Mr. Shepherd, and Mr. Peters—the Government had come to the conclusion that his estimate was inaccurate, and they had based their own estimate on grounds which would be laid on the Table, and on which reliance might be placed.

MR. RITCHIE: Am I to understand the right hon. Gentleman to say that the Government have made up their estimate from some other evidence given before the Select Committee, or from independent evidence which they themselves have obtained since?

MR. GLADSTONE: Oh, certainly, we do not rely on evidence given before the Select Committee. We think that the evidence before the Committee shows that Mr. Martineau's evidence cannot be taken as a binding estimate. We have put in motion the means which the Government possess for ascertaining the facts. The hon. Member, in the closing part of his Question, asks whether the Government had definitely decided that, in the renewal of Commercial Treaties with foreign Powers, they were prepared to take any action, by means of countervailing duties or otherwise, against the bounties? With regard to this, I should say that we adhere to our view in regard to countervailing duties, and we do not believe that it would be practicable or beneficial to enter upon such a course of proceeding.

SIR CHARLES W. DILKE said, he had been asked to state what passed before the French Commission upon this subject. At the 15th joint sitting between the Royal Commissioners and the French Commissioners the subject was raised by the English Commissioners; but the proceedings being confidential, he was unable to give any details of what passed.

MR. RITCHIE asked if he understood the Prime Minister to say that the Paper he would lay on the Table would contain, not only the information for the years 1864 and 1881, but also for the intervening years derived from the same source?

MR. GLADSTONE replied, that the figures for the intermediate period had not been collected; but he would inquire if the information could be obtained. It was not, however, information on which the hon. Member could fully rely.

MR. MAC IVER asked the Under Secretary of State for Foreign Affairs to supplement his statement with some information with reference to the position of bounties with regard to shipping. ["Order!"]

SIR CHARLES W. DILKE said, if he were not out of Order, he should have said that the matter was dealt with at the same sitting; but he feared it would be out of Order to say anything more.

COURT OF SESSION (SCOTLAND) BILL.

MR. DICK-PEDDIE asked the Lord Advocate, Whether the Government have yet come to a decision as to proceeding with the Court of Session Bill; and, if it has been decided to withdraw the Bill, whether early steps will be taken to fill up the vacant judgeship?

THE LORD ADVOCATE (Mr. J. M'LAREN): The Court of Session Bill, to which the Question relates, was delayed by the Lord Chancellor, because it appeared there was a desire, on the part of the noble Lords interested in the question, to be in possession of the views of the Government with regard to the reform of the Sheriff Courts. I need hardly say that a measure regulating the relations of the Superior and Inferior Courts in Scotland is quite beyond the power of Parliament to deal with in the present Session; but the whole subject is under consideration, with a view to legislation next Session. The question of filling up the vacant Judgeship is also under consideration.

INTERNATIONAL LAW—CYPRUS AND TUNIS—A CONFERENCE OF GREAT POWERS.

SIR H. DRUMMOND WOLFF asked the First Lord of the Treasury, Whether, considering the grave questions of public and private International Law raised by the recent action of France in Tunis which affects both the suzerain rights of the Sultan, as recognised by this Country, and those of other Powers having interests in the Mediterranean, Her Majesty's Government will take the initiative in promoting the convocation of a Conference of the Great Powers, at which, as in the cases of Belgium, Egypt, Syria, Denmark, Greece, and Turkey, the points at issue may be submitted to the deliberation and decision of the European Concert? He begged to observe that in 1876 he asked a similar Question of the late Government with regard to the affairs of Turkey. He also wished to ask whether the circumstance of the acquisition of Cyprus was not immediately made public during the sittings of the Congress of Berlin in sufficient time to allow any question to be raised on the subject at the Congress?

MR. LABOUCHERE wished to ask the First Lord of the Treasury, Whether, considering the grave questions of Municipal and International Law involved in the acquisition of Cyprus by this Country, and by the institution of English Courts in that island for the Consular jurisdiction secured by Treaty, to which we are a party, to all foreigners residing there, Her Majesty's Government contemplate submitting the points at issue to the deliberation and decision of the European Concert, before appealing to that Concert in regard to any action of the French Government in Tunis?

MR. GLADSTONE: My answer to the first Question of the hon. Baronet is, that we have no intention of doing that which he suggests—namely, promoting the convocation of a Conference of the Great Powers such as took place in the cases of Belgium, Egypt, Syria, Denmark, Greece, and Turkey. We do not think that any benefit would be likely to arise from such a Conference. We think that events should be allowed to develop themselves further for the instruction of all parties concerned. Then with regard to the Question of my hon. Friend the Member for Northampton, I have to make a similar reply. We have no such intention, and very much for the same reason, we do not anticipate any benefit from such a course, but the benefit that might be derived, perhaps, from experience. With respect to the difference between the two cases mentioned in the Questions of the hon. Members, the facts are these. I think, when the Anglo-Turkish Convention had been signed and ratified by the Porte, it was made known confidentially, but only as a secret communication, on the 7th of July to Prince Bismarck and the Representatives of France at Berlin. On the 8th of July it was announced publicly in this House by the right hon. Gentleman opposite (the late Secretary of State for the Home Department). The Treaty of Berlin was not signed, as is well known, until the 13th of July. It certainly is the fact that there were meetings of the Congress after the 8th and before the 13th. But, on the other hand, I ought, perhaps, to mention that no communication of the Anglo-Turkish Convention was ever made officially to any of the Powers, so far as I know, except the secret and confidential communication to the Representatives of Germany and France which I have mentioned. I ought to state that I believe the letter making that communication now appears in the Papers, without anything to indicate that at the time it was confidential; but I believe it was originally a secret despatch, and that it was subsequently treated as official.

SIR H. DRUMMOND WOLFF: But the facts were made public on the 8th in this House.

MR. GLADSTONE: On the 8th.

ARMY — THE AUXILIARY FORCES—THE EAST KENT MILITIA—PRACTICAL JOKING BY OFFICERS.

MR. O'DONNELL asked the Secretary of State for War, Whether the War Office has as yet ascertained the facts with regard to the recent ill-treatment of an officer of the East Kent Militia; whether it is true that the ringleaders in the disturbance were not officers of the Militia but officers of the Line; and, whether the officers in question were ordered to apologise, and did apologise, to the officer of the East Kent Militia?

MR. CHILDERS: The matter to which the hon. Gentleman's Question refers has, as I informed the House on the 16th of June, been the subject of inquiry; and, although the newspaper report has made the most of what occurred, the whole proceeding is, in the opinion of the Duke of Cambridge, in which I concur, most unsatisfactory, and all the officers concerned, including two officers of the Line, have been severely censured. I think I ought to add that what are often called practical jokes are, in our opinion, acts of silly and stupid vulgarity; and although in this case full apologies were tendered and accepted by the officers concerned, before our attention was called to the subject, I deem it right to warn those who may contemplate indulging in such practices that they must expect in future more severe treatment.

LICENSING ACTS—SPURIOUS CLUBS.

MR. HUSSEY VIVIAN asked the Secretary of State for the Home Department, Whether his attention had been called to a resolution passed at a great Conference of Licensed Victuallers, on the 29th June, denouncing the evils which are caused by "Spurious Clubs" where liquor is sold, and claiming that these Clubs should be subjected to supervision and limitation of hours of sale and consumption as in the case of all licensed traders; and, whether, in accordance with that resolution, he is able to take any steps towards checking what appears to be a rapidly increasing evil?

SIR WILLIAM HARCOURT, in reply, said, he was quite aware of the mischief of the matter to which the hon. Gentleman referred. As would be easily understood, the great difficulty was to distinguish between spurious clubs and clubs that were not spurious. It was a matter that required careful looking into; but he could not say that he had as yet been able to arrive at anything like a conclusion with regard to it. Of course, any place called a club, merely as a pretext for selling liquor without a licence, would be dealt with at once; but his difficulty was to determine whether these places were or were not *bonâ fide* clubs.

FRANCE AND TRIPOLI.

MR. BOURKE asked the Under Secretary of State for Foreign Affairs, Whether he can give the House any information with respect to a correspondence alleged to have taken place lately between the Governments of France and the Porte relative to Tripoli; whether any correspondence has taken place between the Governments of France and the Porte with respect to troops lately sent from Turkey to Tripoli, or with respect to the conduct of Turkish officers in Tripoli; and, whether any correspondence has taken place between Her Majesty's Government and the Government of France upon these subjects?

SIR CHARLES W. DILKE: The Turkish Ambassador has communicated to Her Majesty's Government a telegram from the Porte, from which it appears that correspondence has been going on between the Turkish and French Governments in regard to the assumption by the French Consulates in Tripoli of the protection of Tunisian subjects; but we are not acquainted with the particulars of this correspondence. We are not aware of any such correspondence as that referred to in the second part of the Question having taken place. No correspondence has passed between Her Majesty's Government and the French Government upon these subjects.

LORD RANDOLPH CHURCHILL asked whether Her Majesty's Government had obtained any information from our Consul at Tripoli?

SIR CHARLES W. DILKE: No; but we are seeking information on the subject.

FRANCE AND CANADA—ALLEGED COMMERCIAL TREATY.

MR. ECROYD asked the Under Secretary of State for Foreign Affairs, Whether the statement is correct which recently appeared in the newspapers, that the French Consul at Quebec has received and communicated to the Governor General in Council, official information that the French Minister for Foreign Affairs desires to conclude a Commercial Treaty direct with Canada?

SIR CHARLES W. DILKE: The newspaper report to which the hon. Member refers is not accurate. The following is an exact statement of the facts:—On the 25th ultimo the French Consul General at Quebec informed the Minister of Public Works of Canada that—

> "He had been instructed by his Government to acquaint the Federal Cabinet of Ottawa that negotiations having been opened between England and France for the renewal of the Treaty of Commerce, any steps which Canada might wish to take with a view to join in them would be received with the greatest sympathy."

This communication was made known to the Canadian Prime Minister, now in this country, who instructed Sir Hector Langevin, on the 29th ultimo, to inform the French Consul General—

> "That the Dominion Government would submit their views, as in duty bound, through Her Majesty's Government."

Her Majesty's Government consider that the proceeding of the French Consul General was irregular, and a representation on the subject will be addressed to the French Government.

CRIME—STATISTICS OF MURDER.

SIR JOHN HAY asked the Secretary of State for the Home Department, If he will lay upon the Table a Return of the number of persons reasonably supposed to have been murdered in England, Scotland, and Ireland, for which no convictions have taken place, since the 1st January 1871?

SIR WILLIAM HARCOURT, in reply, said, he had inquired into this matter, and he found that there were no materials from which such a Return as was asked could be made.

SOUTH AFRICA—THE TRANSVAAL—PROTECTION OF NATIVE INTERESTS.

MR. GORST asked the First Lord of the Treasury, Whether the terms of peace with the Transvaal Boers were published "by authority" in Natal, and confirmed a statement that the Royal Commissioners "will take into consideration measures for the protection of native interests;" whether the terms of peace were also published for general information in the "Transvaal Gazette Extraordinary" of 29th March 1881; but this latter version was wholly silent as to native interests, which were not even mentioned; and, what is the reason for this discrepancy between the two versions of the terms of peace so published; and, which of the two is correct?

MR. GLADSTONE supposed he need not say that this was the first notice he had had of these local publications. The hon. and learned Gentleman had quoted them, he believed, quite accurately. There was a discrepancy between them, or at least a variance between them. But the announcement with respect to the point raised by the hon. and learned Member was not correct. He ought, perhaps, to remind, or to acquaint, the hon. and learned Member, as the case might be, with the fact that there was on the Table of the House a letter of Sir Evelyn Wood's which contained a distinct statement of the terms of agreement with the Boers, and there was a despatch on the same subject among the Papers published.

MR. GORST: I understand the right hon. Gentleman cannot give the House any information as to why the omission took place in *The Transvaal Gazette?*

MR. GLADSTONE: Both statements are imperfect summaries, of course. I have no knowledge of the manner in which communications were made to the local journals.

CURRENCY—INTERNATIONAL MONETARY CONFERENCE AT PARIS—BI-METALLISM.

MR. MAGNIAC said, he would, at the request of the Prime Minister, delay the Question which he had proposed—namely,

"To ask the First Lord of the Treasury, Whether any engagement has been made by the Government, or any authority conferred on the British representative at the Silver Conference in Paris, which goes beyond the use of silver as at present permitted by Law for purposes of currency; whether the Treasury have made any communication to the Directors of the Bank of England requiring or requesting them to hold in silver any part of their reserve for the due payment of notes; and, if so, what; whether the Government have authorised or concurred in any engagement by the Secretary of State for India, by which the free action of the Government of India, in dealing with silver for currency purposes, would be restrained; whether he will state if there is any intention on the part of the Government to alter in any degree whatever the standard upon which our present system of currency depends; whether, having regard to the fact that speculation in silver, by which much temporary disarrangement would be imported into operations of trade, is likely to arise during the sitting of the Conference, he will instruct the British Commissioner to hasten the decision as much as possible, so as to put an end to the intermediate state of uncertainty; and, whether he can lay upon the Table any Papers bearing upon the question?"

MR. GLADSTONE, in reply, said, he was much obliged to his hon. Friend for postponing this Question; but as it had been fully pointed out that it was desirable that the public should be informed of the position of matters, he might as well state in regard to the important point in the Question that there was not, and never had been, any intention on the part of the Government, or any proposal on the part of the Government, to alter in any degree whatever the standard upon which our present system of currency depended. The only question raised in the Indian correspondence going forward had been with regard to the particular provision in the Bank Act of 1844 as to the holding of a certain portion of silver bullion against notes.

MR. E. STANHOPE asked whether it would be possible to lay on the Table a copy of the speech of Sir Louis Mallet at the Silver Conference.

MR. GLADSTONE said, that the Treasury had not interfered with respect to the representation of the Indian Department. He thought his noble Friend the Secretary of State for India (the Marquess of Hartington) was of the same opinion as himself upon the point; but he had no doubt his noble Friend would consider the question.

LUNATIC ASYLUMS (IRELAND)—APPORTIONMENT OF EXPENSES.

MR. O'SHAUGHNESSY asked the Chief Secretary to the Lord Lieutenant of Ireland, If he will consider the expediency of suggesting to the Inspectors of Irish Lunatic Asylums that, in preparing the certificates of expenditure in asylums for His Excellency, in cases where the district of an asylum includes a county and a county of a city, they should take particular care to inquire into the habitual residence previously to their becoming dependent on the rates or county cess for support of non-paying lunatics, with a view to the equitable allocation of expense of the maintenance in the asylum of that class of lunatics?

MR. W. E. FORSTER, in reply, said, that care was taken, as far as possible, in apportioning the rate that there should be an equitable allocation of the expense between the county and the city. He would take care the matter to which the hon. Member referred should be brought more prominently under the notice of the Lord Lieutenant and the Inspectors of Lunacy in Ireland.

The right hon. Gentleman asked to be allowed to take the opportunity of answering a Question that had been put down by the hon. Gentleman for the following day, as to whether he could

"Hold out any hope that, according as the next three vacancies occur on the Board of the Limerick Lunatic Asylum caused by the deaths or resignation of members representing on that Board the interests of the City, the Lord Lieutenant will permit the Corporation of the City to submit to him the names of some members of the Town Council with a view to the appointment of one only of such members, subject to the approval of His Excellency, to each such vacancy on the Board, in order that the Town Council, which is the fiscal authority of the City, may be, so far as may be expedient, duly represented on the Board."

They should be glad to have the three names submitted to them; but, of course, they could not fetter their action in the matter.

TUNIS—THE ENFIDA CASE.

Baron **HENRY DE WORMS** asked the Under Secretary of State for Foreign Affairs, Whether the reference of the Enfida case at Tunis by the Bey and the French representative at Tunis to a military court, and the interference of the Bey with the ordinary course of judicial proceedings in this matter, are a violation of paragraphs 1, 2, and 5, of the Treaty of 1863 between Great Britian and Tunis (subsequently confirmed by Articles 17 and 42 of the Treaty of 1875); whether such action is a violation of the direct promise which Her Majesty's Government (vide Note of Lord Granville to M. Challemel-Lacour of the 20th May 1881) (Tunis, III. p. 11), have declared that they regard "as an international engagement binding the French Government for the future," and of the direct promise given by M. Barthélemy St. Hilaire in his Letter to Lord Lyons of May 16, 1881 (Tunis, III. p. 5), which contains the following paragraph:—

> "You wish first of all to place on record that I stated to you that the Conventions existing between Tunis and Foreign Powers would be maintained and respected. I repeat the assurance with greater pleasure, because by a special Article of our Treaty with the Bey, the French Representative guarantees the execution of all the Conventions of this kind which now exists;"

and, whether Her Majesty's Government consequently propose to make any representations to the Governments of France and Tunis with regard to the violation above referred to of the international engagements entered into by those Powers with England for the protection of the persons and property of British subjects?

Sir **CHARLES W. DILKE**: I can only refer my hon. Friend to the answer which I gave to the noble Lord the Member for Westmoreland (the Earl of Bective) on the 28th ultimo, and say that until the Report of the Law Officers has been received and considered Her Majesty's Government will not be in a position to answer the Question. The Court referred to is not the Military Court, but the Maliki Court, one of the local tribunals.

ARMY—THE STAFF CORPS (INDIAN PENSIONS).

Sir **TREVOR LAWRENCE** asked the Secretary of State for India, Whether it is a fact that service in a Queen's Regiment out of India does not count for pension in the Staff Corps, and that several officers who have discharged into or been transferred to the Staff Corps in ignorance of this condition have found themselves deprived of all the advantages of their former service, so far as pension is concerned; and, whether any alteration of the Pension and Retirement Regulations is contemplated, so as to give officers in the position described the benefit towards pension of the full period they may have served, whether in or out of India?

The Marquess of **HARTINGTON**: The rule is that an officer's service for Indian pension counts from the date of his first landing in India; but he is only then entitled to pension after the fixed periods laid down for Indian retirements if not less than one half of the required period shall have been passed in the Staff Corps. There is no present intention of making such alteration in the Staff Corps pension rules as to admit as Indian service for the Indian pension service performed before an officer's arrival in India. All officers are fairly supposed, before joining the service, to have made themselves acquainted with the conditions under which they do so; but I will make inquiry whether they are subject in this respect to any disadvantages which require consideration.

PEACE PRESERVATION (IRELAND) ACT, 1881—GUN LICENCES.

Mr. **O'SULLIVAN** asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether it is true that over one hundred respectable farmers and others in the district of Newcastle West, county Limerick, have been waiting for a licence to carry arms for over a month, though they hold duly qualified recommendations; and, if so, will he inform the House why it is the resident magistrate does not perform this duty?

Mr. W. E. FORSTER, in reply, said, that he had received a telegram from the resident magistrate stating that he had sent an explanation of this case by post, so if the hon. Member will put his Question to-morrow he could, perhaps, answer it.

PARLIAMENT—ACCOMMODATION OF MEMBERS OF THIS HOUSE.

Mr. HUSSEY VIVIAN asked the First Commissioner of Works, Whether, when arranging for the increased accommodation of Members, he will provide means by which they may obtain press copies of their letters?

Mr. SHAW LEFEVRE, in reply, said, he had not had the matter brought under his notice; but he would make inquiry, and see what could be done.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—LETTERS WRITTEN BY PRISONERS UNDER THE ACT.

Mr. HEALY asked the Chief Secretary to the Lord Lieutenant of Ireland, Whether any reports on, copies of, or extracts from the letters written by political prisoners confined in Irish gaols and addressed to persons outside, are submitted to the Irish authorities by the gaol officials; and, if so, whether he will direct that, after the proper prison official has perused the letters and allowed them to be sent forward, such official shall be instructed to regard their contents as of a confidential nature?

Mr. W. E. FORSTER, in reply, said, as he only saw the Question on Saturday, he had not as yet been able to get an answer to it; but probably he would be able to supply the information to-morrow.

THE TRINITY BOARD—ILLUMINATING LIGHTHOUSES BY GAS.

Mr. GRAY asked the President of the Board of Trade, Whether the system of illuminating lighthouses by gas, patented by Mr. Wigham, of Dublin, has been strongly recommended by Sir William Thompson, F.R.S., Admiral Sir Leopold McClintock, and Professor Tyndall, scientific adviser to the Board of Trade, the Trinity House, and the Board of Irish Lights, and by other high authorities; and strong testimony given in its favour by seamen and other qualified observers; whether the Trinity House in January 1875 recommended the further development of the system in Ireland; whether with one exception no lighthouse has since been lighted under that system either in England or Ireland; whether this is due to the opposition of the Messieurs Douglas, engineers to the Trinity House and the Board of Irish Lights; whether the Mr. Douglas, engineer to the Board of Irish Lights, is brother to the Mr. Douglas, engineer to the Trinity House; and, whether he would consider how far the development of an improved system of lighthouse illumination may be arrested by official opposition?

Mr. CHAMBERLAIN, in reply, said, testimonials had been received from the gentlemen whose names were mentioned in the Question in favour of the system of illuminating lighthouses by gas, patented by Mr. Wigham; but it must not be supposed that they were in favour of the adoption of that system to the exclusion of every other system. It was the case that in January, 1875, the Trinity House, yielding a little its own opinions in deference to the recommendation of the Irish Light Commissioners, did consent to recommend the development of this particular system in Ireland. Since then one lighthouse had been lighted with gas, and another to be similarly illuminated had been sanctioned at Copeland Island. Proposals had been made for two more lighthouses on the same system; but, in December, 1878, the Irish Lighthouse Commissioners suggested that further consideration on this subject should be postponed, and subsequently they withdrew their proposal with regard to Fanad Point; but he was told with regard to Tory Island that estimates had been sought, and were now being prepared. With regard to the three other Questions he regretted they had been put upon the Paper, because they implied an imputation upon two very honourable public servants. The Messrs. Douglas were brothers. They were engineers to the Irish Lighthouse Commissioners and the Trinity House. It was their duty from time to time to offer their opinion upon the different systems of lighting which were submitted. He had no reason to believe that they had ever exceeded their duty in this respect; but the responsibility of final decision rested entirely with the respective Boards.

NAVAL DISCIPLINE ACT — COURTS MARTIAL ON CHARLES P. STAMP AND JOSEPH MILNE.

Mr. MACDONALD asked the Secretary to the Admiralty, If the "Danæ," in which Charles P. Stamp, engine-room artificer, was tried by a court martial at Sydney, New South Wales, in December last, and sentenced to twelve months' imprisonment with hard labour, has reached any port of the United Kingdom, or whether Stamp was sent by any other vessel to this country; if his case has as yet been reviewed by the Board of Admiralty; and, if they have confirmed the sentence passed upon Stamp by the court martial, or remitted it, and to what extent they have done so?

Mr. FRASER-MACKINTOSH asked the Secretary to the Admiralty, Whether he will lay upon the Table of the House, Copy of the proceedings in the court martial for alleged drunkenness held in Gibraltar Bay, 7th April last, upon Joseph Milne, engineer, of Her Majesty's Ironclad, "Northumberland," which resulted after the briefest trial in Milne's instant dismissal from the Navy, after nineteen years' honourable service, and within a short period of his being able to retire upon a pension?

Mr. TREVELYAN: The *Danæ* arrived at Portsmouth on the 24th of June, having Stamp on board. Stamp was sentenced on the 20th December last to be dismissed the Service and imprisoned for 12 months. On the arrival of the ship at home the case was reconsidered by their Lordships; the dismissal from the Service has been confirmed, and the remainder of the imprisonment has been remitted. It is most unusual to lay the proceedings of a court martial before Parliament. The Court was open to the public; and a copy of the proceedings can always be obtained under Section 69 of the Naval Discipline Act. As regards the case of Joseph Milne referred to in the Question of the hon. Member for Inverness (Mr. Fraser-Mackintosh), there was nothing brief or hurried in the trial. The chief engineer and the commander of the ship gave positive evidence that Mr. Milne was in a state unfit to be put in charge of the engines at the very moment when it was his duty to undertake the charge of them. There was rebutting evidence; but the court martial considered the charge proved. With regard to the previous service of Mr. Milne, I must inform the hon. Member that he was tried in 1879 for drunkenness, and pleaded guilty, and was, in consequence, dismissed his ship, and lost two years' seniority. The court martial, which consisted of three captains and two commanders, was such as to inspire the Admiralty with perfect confidence in its judgment; and drunkenness is a fault to which, however painful the individual cases are, it is not permissible to show indulgence when such vast and delicate machines as the *Northumberland*, with all her crew, are dependent on the care and judgment of a single officer.

Mr. FRASER-MACKINTOSH asked, if medical evidence was given that Milne was unfit for duty?

Mr. TREVELYAN said, he did not think medical evidence better than that of any other man as to saying whether or not a man was fit for duty of this kind.

Mr. FRASER-MACKINTOSH gave Notice that he should call attention to this subject on a future date, on the Naval Estimates, when he hoped to satisfy the House that flagrant injustice had occurred.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881 — REFRESHMENT OF PERSONS ARRESTED UNDER THE ACT.

Mr. BIGGAR asked the Chief Secretary to the Lord Lieutenant of Ireland, Is it true that Philip Brady, Charles O'Beirne, and four others, were arrested at four o'clock in the morning of Friday 3rd June; that they were conveyed by car and rail to Mullingar, not arriving there till seven o'clock in the evening, and that instead of being allowed on their arrival at Mullingar to take some refreshments and occupy an airy room, they were thrust into a dirty lock-up where they had not a seat to sit on?

Mr. W. E. FORSTER, in reply, said, he had been informed that the prisoners in question, having arrived at Mullingar on their way to Galway, while in the police barracks were visited by some of their friends. They were supplied with refreshments. They were placed in the lock-up for only 10 minutes. The lock-up was not dirty; there was ample accommodation. The prisoners made no complaint; the only thing they took exception to during their stay at the barracks was, that they could not send off telegrams, which they had written, asking their friends to assemble at the different railway stations they should pass.

TURKEY IN ASIA—REFORMS.

MR. BRYCE asked the Under Secretary of State for Foreign Affairs, Whether there is any truth in the statements made by the Turkish newspaper the "Vakit" (as reported in the "Daily News" of Wednesday June 29th), that Mr. Goschen made certain preposals to Prince Bismarck regarding reforms in Asiatic Turkey, that Prince Bismarck disapproved these proposals, and that Her Majesty's Government in consequence abandoned the instructions which it had drawn up for Lord Dufferin?

SIR CHARLES W. DILKE: I suppose my hon. Friend has put this Question believing the statement to be untrue, and desiring it to be contradicted. There is no truth whatever in the statement. Mr. Goschen was not charged with any proposal of this kind, and did not make any such proposal to Prince Bismarck. The general conversation that occurred on the subject of Armenia was of a very satisfactory character.

THE NEW FRENCH GENERAL TARIFF.

VISCOUNT SANDON asked the Prime Minister, Whether he was aware that the Secretary of the Board of Trade had given Notice to oppose his Motion for a translation into English of the Return presented to the House in May, which gave, in the French language only, the articles and changes of duty of the new French Tariff; and, if so, whether that course had the sanction of Her Majesty's Government?

MR. CHAMBERLAIN rose, amid calls for Mr. Gladstone: My right hon. Friend the Prime Minister is not in possession of the facts, and he has therefore asked me to make a statement in reply to the Question of the noble Lord. In order to make myself clear, I must remind the House that on the previous occasion the noble Lord asked whether I would have any objection to furnish a translation of the General Tariff which has been presented to the House as a Parliamentary Paper, and on that occasion I told him there were certain objections to the preparation of this translation, but that I proposed to communicate with the Chambers of Commerce, as being the persons most likely to be interested in the matter; and as soon as I had received their replies, I offered to communicate with the noble Lord, and, if I found there was any desire for the translation among the commercial classes, to grant it without any difficulty. I have not yet received those replies; I have received only a very few at present. In the meantime, the noble Lord expresses his intention of going on with his Motion for the Return. If the matter is to be raised by way of discussion before this information is obtained, I think it is undesirable that it should be raised after half-past 12 o'clock; and, under those circumstances, instead of taking the usual course and getting a private Member to put down a Notice of opposition, I thought it would be more frank and fair to the noble Lord to put the Motion in the name of the Parliamentary Secretary.

VISCOUNT SANDON: It is necessary to remind the House that I said to the right hon. Gentleman I should not be satisfied with the answers of the Chambers of Commerce. I beg leave to say that if I am to consider this as a refusal I shall withdraw my Notice of Motion, and at the earliest possible opportunity call attention to the persistent refusal of Her Majesty's Government to give the country the fullest information, in the English language, respecting the changes and large increase in the duties proposed to be levied by France upon articles of British produce and manufacture, so that the information should be accessible, not only to Chambers of Commerce and to manufacturers, but also to all the large classes of workmen whose various industries are most seriously affected by the French Customs duties.

SIR CHARLES W. DILKE: Perhaps I may be allowed to remind the noble Lord, in answer to the Notice he has just given—because I think it is really an answer to a part of it—that it has already been stated to the House—

[" Order ! "]—it has already been twice stated to the House that the negotiations—[" Order ! "]

MR. J. G. TALBOT: I beg to ask you, Sir, whether it is in accordance with the custom of this House for an hon. Gentleman opposite to give any reply to a Notice ?

MR. SPEAKER: I understand the hon. Baronet was offering some information with reference to the matter of which the noble Lord has given Notice. As far as the hon. Baronet went before he was interrupted, it certainly did not occur to me that he was out of Order.

SIR CHARLES W. DILKE: I only wish, for the information of the House, to state a bare fact, which has a close connection with the subject of the Notice of the noble Lord—that the Tariff which has formed the basis of discussion between the English and the French Commissions in the recent negotiations is not the General Tariff, and is a confidential document at the present time.

VISCOUNT SANDON: I shall be very glad if the Government will give a day to discuss this. It is a very important question. [*Laughter.*] I hope hon. Members will do me the courtesy, when an appeal has been made to me, to allow me to reply to it. There is plenty to be said on the subject of these confidential negotiations, of which the country knows nothing.

FRANCE AND TUNIS—PROTECTION OF BRITISH SUBJECTS.

LORD RANDOLPH CHURCHILL: I beg to ask the Under Secretary of State for Foreign Affairs, Whether the Government have ordered a ship or ships of war to proceed to Sfax for the protection of the 800 British subjects and the extensive mercantile interests belonging to them; and, if not, why not; whether it is true that already a Maltese British subject has been slaughtered and mutilated by the Arabs; and, whether the only protection for which British subjects can look is that which shall be afforded to them by the French Military and Naval Forces already there ?

SIR CHARLES W. DILKE: On Friday last, after communications between the Admiralty and the Foreign Office, orders were despatched to Captain Tryon, of the *Monarch*, to send down a force to Sfax. The *Monarch* left Goletta for Sfax, and arrived there on Saturday. The *Condor* also proceeded to visit various towns on the coast. A telegram from Her Majesty's Agent at Tunis on Saturday states that the whole European and Hebrew community had embarked and were out of danger. Some Maltese attempted to return to Sfax for the purpose of buying provisions, and were fired upon by the Natives; one was killed, and another seriously wounded; but we have not heard of any mutilation taking place. I may mention that, in addition to the English and French Naval Forces present, there are also Italian, Portuguese, and Spanish men-of-war on the coast.

LORD RANDOLPH CHURCHILL: Is it the case that we have withdrawn from Tunis and sent to Sfax the only British man-of-war on the African Coast ?

SIR CHARLES W. DILKE: There were two British men-of-war on the coast, and both have gone on to Sfax.

LORD RANDOLPH CHURCHILL: Is there any ship-of-war at Tunis ?

MR. TREVELYAN: Captain Tryon proceeded to Sfax with the *Monarch* and with the *Condor* as a gunboat, which could at once give help. The first telegram which we received from Captain Tryon states—

> " Have proceeded to Sfax to afford protection to British and other European residents."

That was followed in about half-an-hour by this telegram—

> " Your order to afford protection to British and other foreigners is to be limited to giving refuge to those who seek it and assisting in the embarkation of those who wish it. Do not co-operate in any hostile operations with the French."

The third telegram was—

> "Send the *Condor* to Tunis when you can spare her."

LORD RANDOLPH CHURCHILL: I will, to-morrow, ask whether the French contemplate bombarding the town of Sfax; and, if so, whether the English Government will make representations with reference to the warehouses, goods, and other property belonging to British subjects in that district ?

SIR H. DRUMMOND WOLFF: I beg to ask the Secretary to the Admiralty whether there is any British vessel at Goletta ?

Mr. TREVELYAN: The *Condor* is going back as soon as possible.

Sir H. DRUMMOND WOLFF: No other vessel?

Mr. TREVELYAN: No.

THE SUGAR INDUSTRIES (STATISTICS).

Mr. RITCHIE, in reference to the answer given by the Prime Minister to his previous Question, wished to ask him if his attention had been drawn to a Resolution arrived at unanimously by the Select Committee, stating that although sugar refining was formerly a great industry in this country, it had, since 1864, gradually diminished, until in 1875 it became practically extinct?

Mr. GLADSTONE replied, that he adhered to the statement he had made. These matters could not be explained in a single answer to a Question; but he believed the paragraph in the Report which the hon. Member had quoted was founded entirely on the evidence of Mr. Martineau, which was of a conjectural character.

Mr. RITCHIE wished to know on what grounds the Prime Minister based the statement?

Mr. SPEAKER, interposing, intimated that the hon. Member had no right to ask the Prime Minister on what grounds he held certain opinions.

Mr RITCHIE: The right hon. Gentleman said the Report was founded on the evidence of one witness. I only wish to ask him on what authority he makes that assertion?

Mr. GLADSTONE: I believe it to be so.

PROTECTION OF PERSON AND PROPERTY (IRELAND) ACT, 1881—ARRESTS UNDER THE ACT.

Mr. A. M. SULLIVAN asked a Question relating to a telegram he had only received a few moments before, in consequence of which he was unable to give Notice. Two young men belonging to his constituency of Meath had been arrested under the Coercion Act, and detained in Dundalk Prison. They were the only sons of their father, who, on parting from them, declared he should never see them alive again. The telegram he had now received was—

> "Our father died yesterday morning. There is no one at home but mother and our two young sisters. We wired the Chief Secretary for permission to attend the funeral. He has replied it will not be granted. When we were arrested our father said he should never see us again, and his death has been hastened by our arrests. Do, please, ask for our permission to see him laid in the grave."

He knew those young men, and had referred to them before as being as respectable young men as any in the county, and he appealed to the right hon. Gentleman to grant them permission to attend the funeral. There were others, some of the most respectable men in the county, who would be glad to take their place in prison whilst they were allowed to attend the funeral.

Mr. W. E. FORSTER said, that before the hon. and learned Member asked the Question he had heard of the painful position of these young men. The matter was rather a difficult one; but, upon the whole, he thought it right to send a telegram saying that they should be allowed to attend the funeral of their father, and expressing the hope that their release would not lead to any bad behaviour.

Mr. A. M. SULLIVAN: I thank the right hon. Gentleman.

PARLIAMENT—RULES AND ORDERS—NOTICES OF QUESTIONS.

Mr. DILLWYN said, he desired to put a Question to the Speaker. They had given up the practice of reading the Questions that were upon the Paper, and it had occurred to him that they might also dispense with the reading of Notices of Questions. If an hon. Member desired to give Notice of a Question he might hand it to the Clerk at the Table. In making that suggestion he desired to ask whether the Speaker saw any objection to it?

Mr. SPEAKER: The House, by its action with reference to putting Questions in the House, has saved very considerable time in that process, because the House has by its own action called on Members having Questions on the Paper not to read those Questions. No doubt, if the House thought proper to go still further and require that Notices of Questions should not be put at full length, but brought to the Table, a still further saving of time might take place.

PARLIAMENT—PUBLIC BUSINESS.

MINISTERIAL STATEMENT.

Mr. GLADSTONE: With the leave of the House I will now redeem the promise I made a few days ago that I would state the intentions of the Government with regard to the most important of the Government Bills now on the Paper. One of the first I ought to mention is the Parliamentary Elections (Corrupt and Illegal Practices) Bill. That is a Bill of great importance, with which we could not possibly hope to make progress except by the expenditure of a great deal of the time of the House, and we therefore abandon the Bill for the present Session. We have also given up the idea of proceeding with the Amendment to the Ballot Act during the present Session; but it will, of course, be necessary to introduce a Continuance Bill. With regard to the Motion of my hon. and learned Friend the Attorney General for leave to introduce a Bill with respect to Parliamentary Oaths, we have no intention of proceeding this Session with that measure. We still cling to the hope that we may be able to proceed with the Bankruptcy Bill. I say that as a thing undetermined, because there may be a certain margin open to us, according as the course of the discussion on the Land Law (Ireland) Bill shall be more or less prolonged. It is extremely difficult as yet to form any trustworthy estimate as to the course of the discussion. If I were to judge of it by the progress we made on Friday between 2 and 7 o'clock, I would not be without hope. If I were to judge of it by the progress we made between 9 o'clock and 1 o'clock, I confess it would be totally impossible to fix any limit to it. We cling hourly to the hope that we may be able to proceed with the Bankruptcy Bill. I think the Bill relating to Alkali Works stands for consideration on Report, and has virtually received the assent of the House. With reference to the Bill for the Conservancy of Rivers, it is very desirable indeed to pass it if possible; and looking at the favourable manner in which it has passed under the consideration of Select Committees, both in the House of Lords and the House of Commons, we trust it will be possible to proceed with that Bill. I wish to say the same with regard to the Bill relating to Educational Endowments in Scotland. There are two Bills which it is absolutely necessary to proceed with—one, the Naval Discipline Act Amendment Bill; the other, the Regulation of the Forces Bill—the first to redeem our pledge with reference to the abolition of corporal punishment in the Navy; the next as the legislative supplement to, or the complement of, the Army Scheme of my right hon. Friend the Secretary of State for War. It will also be necessary to propose a provisional measure in respect of those places which were found in different ways and degrees to have been guilty of corrupt practices, and the general effect of that Bill will be stated by my hon. and learned Friend the Attorney General. Of course, the main purpose will be the suspension of the Writs. There is a Bill which will probably come down from the House of Lords relating to the Judicature Acts Amendment, of which the main purpose is also to redeem a promise given in the early part of the Session with regard to making provision for the disposal of the patronage which in former days was in the hands of the two Chief Judges whose offices have now been abolished. I speak with very great regret of a measure which has not been introduced, but which was promised hypothetically in the Speech from the Throne—the County Government (Ireland) Bill. It is a matter of deep concern to us to be obliged to postpone that measure; but, in present circumstances, we have no choice. There is a Bill with regard to Local Loans, which is a matter of necessity, and one with regard to the National Debt, following up what I said at the time of the Budget. There are two measures in charge of my right hon. Friend the President of the Board of Trade—the Thames River Bill and the Merchant Shipping Act Amendment Bill—and neither can be proceeded with this Session. It will be necessary to introduce a Bill in reference to the Irish University, and probably that Bill may be introduced in the House of Lords. That list, I think, goes over the ground pretty well as to the most important measures in the hands of the Government. There are also one or two measures of necessity, and more or less of form, in connection with the Treasury—as, for example, the Metropolitan Board of Works (Money) Bill; but I hope I have redeemed my pledge and fulfilled the expectation I held out to the House that, so far as the Government were concerned, it is not our intention to proceed with any measure likely to be the subject of prolonged controversy.

Sir STAFFORD NORTHCOTE: With reference to the statement just made by the Prime Minister, I think he should bear in mind that we have a very large amount of Supply to get through; and taking that into account, and remembering the measures that are to be proceeded with, although there are none of them very novel, still, as they will occupy a considerable time in discussion, I think the Prime Minister will do wisely in re-considering what he has said with reference to the Bankruptcy Bill. I am aware that it is an important Bill, and that it is desirable to pass it as soon as may be; but it is a Bill that is likely to lead to very considerable discussion, and I think that the Government would do well not to press it on this Session.

Mr. GLADSTONE: Undoubtedly, Sir, that is a matter open to us to consider; but we are unwilling just now to give up the hope of being able to proceed with it.

In reply to Mr. J. G. Talbot,

Mr. GLADSTONE said, he believed the Corn Returns (No. 2) Bill would be dropped.

Mr. CALLAN said, the Local Courts of Bankruptcy (Ireland) Bill on the 7th of May was ordered to be referred to a Select Committee. That Committee had not yet been appointed. The Bill had given rise to great opposition, and perhaps the Government would give them some information respecting it.

Mr. CHAPLIN considered it would be of importance and interest to the Members of the House if the right hon. Gentleman at the head of the Government would make a statement as to whether or not it was intended to proceed with the Rivers Conservancy and Floods Prevention Bill in the event of the Land Law (Ireland) Bill not making that progress which he expected.

Mr. GLADSTONE said, he was not quite sure that he was sufficiently conversant with the state of feeling in regard to that Bill to be able to estimate precisely the amount of time it would require; but he would communicate with his right hon. Friend (Mr. Dodson) on the subject.

Mr. LABOUCHERE said, he wished to make a suggestion to the right hon. Gentleman the Leader of the Opposition. The right hon. Gentleman stated that the Bankruptcy Bill would take a long time in discussion. There was another Bill among the innocents just massacred—namely, the Parliamentary Oaths Bill. The right hon. Baronet had stated that although he would oppose, he would not obstruct, that Bill, as he was anxious that the matter should be settled by the House. Considering, however, the vociferous gratification expressed by the followers of the right hon. Gentleman when the Prime Minister had stated that he intended to withdraw the Bill, he would ask the right hon. Gentleman whether he would not re-consider the matter, and, instead of the Bankruptcy Bill, proceed with the Parliamentary Oaths Bill? He would not go into a discussion of the Bill; but would call attention to the exceptional circumstances——["Order!"]

Mr. SPEAKER: The hon. Member is going beyond the limits of a Question.

Mr. LABOUCHERE said, he would limit himself to the Question, only adding that in law, logic, and justice, the great constituency which returned Mr. Bradlaugh ought to be represented by him in that House.

Mr. RATHBONE said, there was one Bill mentioned by the Prime Minister —the Bankruptcy Bill—which was of such pressing importance. ["Order!"]

Mr. SPEAKER reminded the hon. Member that there was no Question before the House.

Mr. BRYCE hoped either the First Lord of the Treasury or the Home Secretary would state what was to be done with the Charitable Trusts Bill.

Mr. GLADSTONE said, he had nothing more to add to what he had already said about the Bankruptcy Bill. With regard to the Parliamentary Oaths Bill, the Government thought they could not call upon the House to deal with any question other than that of the Land Law (Ireland) Bill, which was likely to be a subject of protracted discussion. The hon. Member for Northampton had himself referred to the vociferous gratification of the Opposition, and he would be able himself to form an idea of the circumstances which weighed with the Government in abandoning the measure. As regarded the Charitable Trusts Bill, perhaps hon. Members would communicate with those who had charge of the measure.

LORD RANDOLPH CHURCHILL asked for information as to the course which the Government proposed to take in reference to the Local Courts of Bankruptcy (Ireland) Bill.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, that, in consequence of the block of Business generally, and the obstruction put in the way of Irish Business in particular, he saw no prospect of proceeding with this Bill in the present Session.

ORDERS OF THE DAY.

LAND LAW (IRELAND) BILL.—[BILL 135.]

Mr. Gladstone, Mr. Forster, Mr. Bright, Mr. (Attorney General for Ireland, Mr. Solicitor General for Ireland.)

COMMITTEE. [NINETEENTH NIGHT.]

[*Progress 1st July.*]

Bill *considered* in Committee.

(In the Committee.)

PART II.

INTERVENTION OF COURT.

Clause 7 (Determination by Court of rent of present tenancies).

MR. MARUM said, he had given Notice of his intention to move an Amendment, in the 8th sub-section, after the words authorizing the Court to disallow an application, in respect of a tenancy where it was satisfied that the holding had been maintained and improved by the landlord, to insert words enacting that the application so disallowed should be an application "so far as compensation for improvements" was concerned. He had intended to move this Amendment on Friday; but he found that, in consequence of a manuscript Amendment, brought forward by the right hon. and learned Member for the University of Dublin (Mr. Plunket), he was precluded and shut out from moving it. He wished to make this explanation in order to account for his not having proposed the Amendment.

THE CHAIRMAN: The hon. Member forgets that if manuscript Amendments handed to the Chair perplex hon. Members, they ten times more perplex the Chair. I first called upon the right hon. and learned Member to move his Amendment, and I then asked him to sit down in order that other Amendments might be used. The Amendment of the hon. Member was omitted by mistake; and he is, therefore, in possession of the Committee. But had he moved the Amendment, I should have ruled that it was irregular, as a decision had already been come to on the point.

MR. PLUNKET moved to amend sub-section 8 of the clause so that it should read as follows:—

> "Where an application is made to the Court under this section in respect of any tenancy, the Court may, if it think fit, disallow such application where the Court is satisfied that on the holding in which such tenancy subsists the permanent improvements have been made by the landlord."

The Amendment commenced by the introduction of the word "on" before the words "the holding;" and he desired to state to the Committee the grounds on which he asked them to accept the Amendment. The object of this sub-section was to exempt from the operation of Clause 7 the determination by the Court of rents for holdings hitherto maintained and improved by the landlord. The object of the clause was fairly stated by the right hon. Gentleman the Prime Minister on the introduction of the Bill, when he said—

> "In cases where what is called the 'English system' prevails, or, as we define it, where the holding has been maintained and improved by the landlord, we have thought that justice demands that the landlord should not be brought into a new and exceptional state of things which really has no application to the relation which subsists between him and the tenant."—[3 *Hansard*, cclx. 910-911.]

The Prime Minister explained clearly and adequately what was to be found subsequently in the Bill; and the only reason why he (Mr. Plunket) offered the Amendment was that he feared the language in which it was drawn would not carry out the true policy of the Government in introducing the clause. The object of the clause was to carry out the intentions of the Government in regard to farms which were conducted on the English system where the permanent improvements were made by the landlords. It was intended to exclude such estates from the operation of the clause. It was altogether a different proposal from that which was brought forward upon the 1st clause by the hon. Member for Great Grimsby (Mr. Heneage). The object of the hon. Member was to exempt from that clause all estates managed on the English system. The words of the present section were that the Court, if it thought fit, might disallow the application where it was satisfied that the holding in which such tenancy subsisted had been theretofore maintained and improved by the landlord. Now, he ventured to submit that it was not a clear expression to say that the holding had been maintained by the landlord, although the improvements might have been. The present Amendment was merely a verbal one. If the words of the clause were retained, as they stood at present, they would practically exclude every estate, because if they were interpreted, as he had no doubt they would be, to exclude estates where the improvements, although entirely created by the landlord, had been in any degree maintained by the tenant, it would be found, not only in Ireland, but even with regard to the best managed estates in England and Scotland, that the practice, although in some cases it varied, was for the landlord to provide all the fixed capital, and for the tenant to provide all the labour or working capital. In the case of Engish estates the custom varied in different parts of the country. In some instances, the holding was put into good order by the landlord, and the tenant was left entirely to keep it up; in other parts of the Kingdom it was the practice for the landlord to pay a certain contribution towards the expense of the improvements, such as providing bricks and slates, timber, and so forth. He doubted whether it would be found that in any part of England the improvements were made by the landlord exclusively and maintained by him. The only object of his Amendment was to prevent the virtual defeat of the intention of the Government; and he believed that if the clause, as it stood, was rigidly enforced, the landlord would, in almost every instance, be deprived of the benefit of this sub-section. In support of the view he took he would quote the opinion of a well-known landlord in Ireland. [An hon. MEMBER: Who?] He referred to Mr. Mahoney of Dromore, who said—

> "Since I bought up my estate not a drain has been made by the tenant and not a slate placed on a building. Not a yard of sub-soiling has been done by the tenant; but I have adopted the system of making all the improvements myself, and I have charged interest upon the outlay on the occupier."

Where an estate had been managed upon that principle the present subsection of the 7th clause ought certainly to apply, and he believed that the same custom would be found to prevail in many parts of Ireland. The Amendment, in his opinion, would simply have the effect of carrying out fully what the right hon. Gentleman the Prime Minister had already expressed to be the intention of the Government.

Amendment proposed, in page 8, line 6, after "that," insert "on."—(*Mr. Plunket.*)

Question proposed, "That that word be there inserted."

MR. MARUM desired, as he had given Notice of an Amendment on the same subject, to say a word. He had intended to propose the rejection of the sub-section altogether, because he looked upon it as prejudicing the rights of the occupiers, and it was upon the rights of the occupiers that the structure of the Bill very much depended. At all the conferences and meetings which had been held throughout Ireland in connection with the Land Question the claim had been universally made on behalf of the tenant that he had a claim for something more than disturbance; and the late Mr. Isaac Butt, who was not only a sound lawyer but a great political economist, drew up a Resolution which embodied the views which the tenant farmers of Ireland had entertained for a long series of years. At the National Conference Mr. Butt drafted a Resolution to this effect. That tenant right was not a right to compensation for disturbance merely, but the direct right of the tenant to remain in the possession of his improvements and to sell the value of the occupation of the holding, so that when the occupation of the holding was inherited there was also a right to sell the tenant's interest in the holding. The next matter, and one of the foundations of the rights of occupancy, although he by no means admitted that it was the entire foundation, was the right to reclaim unimproved land. In the Devon Commission it was incontestably proved that unimproved land was commonly sold in the Province of Ulster for from 5 up to 10 years' purchase, and improvements resting on reclamation did constitute a considerable groundwork of the rights of occupation. Therefore, in direct conflict with the Amendment now proposed by the right hon. and learned Member for the University of Dublin (Mr. Plunket), he had given Notice of an Amendment to insert words in the sub-section enacting that the Court should be satisfied that the holding had been reclaimed from its aboriginal condition, and had theretofore been maintained and improved by the landlord. The point he wished to bring before the Committee was that reclamation was a wholesome improvement, and was, in point of fact, the pith which ran throughout the Land Act. The fourth exception, which distinctly applied to permanent buildings and reclamation, as contra-distinguished from mere improvements, ought also to be included. In another portion of the Land Act, to which the Attorney General had turned his attention—namely, the sub-section of the 4th clause relating to leases where improvements were not specifically excluded by lease, the reclamation of the soil still survived. Thus there was a clear distinction provided in the Land Act between reclamation and improvement; and he thought it only fair that he should call upon the Government to include the word "reclamation" in the clause, so that if the tenant was in a position to call for the intervention of the Court by the 7th clause he should not be shut out from the right of making a claim for reclamation. He did not think that this was an unreasonable demand. He had intended to move the rejection of the sub-section on the ground that it dealt improperly with the rights of occupancy; but if the Government would accept his Amendment, saving reclamation, he should be satisfied. He therefore trusted that Her Majesty's Government and the Committee would take into consideration both propositions at the same time.

Mr. SYNAN said, he did not exactly understand what the Amendment was that was before the Committee. Was it the Amendment of his right hon. and learned Friend the Member for the University of Dublin (Mr. Plunket)?

The CHAIRMAN: It so happens that the Amendment of the right hon. and learned Member for the University of Dublin is divided into two parts, and the Amendment of the hon. Member who has just spoken (Mr. Marum) comes between the two essential parts. Therefore, I could not, with propriety, stop the hon. Member when he rose to explain his object in placing his Amendment upon the Paper. The Amendment immediately before the Committee is that of the right hon. and learned Member for the University of Dublin that the word "on" be inserted after the word "that."

Mr. SYNAN said, he hoped that the Government would adhere to the words of the sub-section. The Amendment moved in the 1st clause by the hon. Gentleman the Member for Great Grimsby (Mr. Heneage) was to exclude from the operation of the Bill all estates in Ireland which were managed on the English system. ["No, no!"] He gathered from the Bill that that was so where the improvements were made and maintained by the landlord. The right hon. and learned Gentleman the Member for the University of Dublin (Mr. Plunket) now took a step further, and wanted to exclude from the operation of the clause all holdings on which the improvements had been made by the landlord, so that if the improvements were kept up and maintained by the tenant, and although the maintenance had cost even more than the original improvements, the tenant would be altogether shut out from the operation of the clause. The argument of the right hon. and learned Gentleman was that any improvement or maintenance by the landlord, if it had only cost 6*d*., should exclude the tenant from the benefit of the clause. He apprehended that the claim of the landlord for having maintained and improved the holding would be a fair claim for the Court to consider and decide; but the point left to the Court to consider should be whether the improvements had been substantially made, and substantially maintained, by the landlord. He therefore hoped that Her Majesty's Government would adhere to the words as they stood in the sub-section. On some estates in the part of the country with which he was acquainted the improvements were made by the landlord; but in no cases were improvements made by the landlord and maintained by the landlord. In some instances which he was acquainted with the improvements were made by the landlord and paid for by the tenant at the rate of 5 per cent, which, in his opinion, was a very good investment of the capital of the landlord. But, in the great majority of cases, the improvements were entirely made at the expense of the tenant and maintained at his expense. He sincerely trusted that the Government would not give way in regard to this Amendment.

Mr. CHARLES RUSSELL agreed with the hon. Member that no fair-minded man would object to the Court being called upon to fix a fair rental; and he understood that the object of the clause was to enable the tenant to have recourse to the Court in order to obtain the fixing of a fair rental as between himself and his landlord. He had heard it stated, over and over again, that there was no objection to such a course; and, therefore, could not see why the Court should not have power to take into consideration all the circumstances that bore upon the matter. He certainly failed to perceive what object could be gained by adopting the Amendment of his right hon. and learned Friend. The only question with which the clause dealt was the question what was a fair rent, and the Court was not only open to consider that question, but was bound to do so. He therefore hoped the Government would adhere to the words of the sub-section, and would not yield to the Amendment.

Mr. GLADSTONE: I am not able to assent to the views of the right hon. and learned Member for the University of Dublin (Mr. Plunket) that the words which he now proposes would make the intention of the Government at all more clear. He quoted a passage from my statement in introducing the Bill in which I referred to a case where the holding had been maintained and improved by the landlord. Now, the Amendment, taken as a whole, brings in the words "permanent improvements;" but, much more important, it leaves out entirely the maintenance of those improvements, and excludes it altogether from the action of the Court. Now, how does the matter stand? The intervention of a public authority to check arbitrary changes of rent has been recommended by the majority of the Richmond Commission, by the whole of the Bessborough Commission, and likewise by the minority of the Richmond Commission. I admit it is true that the majority of the Richmond Commission have not used the word "Court," but they have mentioned "public authority;" and the words "public authority" are used in connection with checking arbitrary changes of rent. That is the most favourable interpretation, and the most limited interpretation, that can be put on the recommendation of the majority of the Richmond Commission. I am bound to admit that none of these authorities have recommended any limitation whatever to the intervention of the Court, or the public authority—for example, the minority of the Richmond Commission have said that all the rights of the landlord, in respect to what he has done, ought to be most jealously guarded. But the Government have guarded them. We have provided, or are endeavouring to provide, as fully and as largely as possible, for the whole of the interests of the landlord in whatever improvements he has made. Now, however, the proposition is made materially to enlarge the exception that has been brought into the Bill, and which goes beyond all that the Reports of the Commissions have said in favour of the landlord, and in regard to which we feel it our duty to be very jealous at present. It has become our duty, in our opinion, to prevent its extension, since we had a discussion on a kindred subject on the 1st clause, because, undoubtedly, it did appear that there was an idea in the Committee that whenever it could be shown that the landlord had been liberal in the management of his estates, and in the investment of his capital, it exempted him from the action of the Court. That was never in the mind of the Government. What was meant to be conveyed in Lord Fitzwilliam's case was, that there had been a perfectly just action between the landlord and tenant, and all that we can undertake to do is to protect the landlord's interest in his improvements; but as to taking him out of the Court, I am bound to say we can do nothing further than we propose to do, where the improvements have only been trivial and slight. We can only take him out of the Court in cases where very substantial improvements have been made by him, and where such improvements have been maintained by him, and not by the tenant; therefore, we cannot agree to the Amendment.

Mr. GREGORY said, the question was, what was it that the Court was to be satisfied of as the clause stood? Was it to be satisfied that the landlord had not only made the improvements, but had substantially maintained them? He ventured to think that the maintenance of improvements by the landlord was a thing altogether unusual in this country. The custom in England, generally speaking, was, that when a farm was taken by a tenant it was put in order by the landlord, and there was an implied liability on the part of the tenant to maintain it in good condition as long as the tenancy subsisted. The extent of this liability might vary according to the custom of a particular part of the country, and something might depend upon the fact whether the tenant was under an agreement, or was a mere tenant-at-will. In the latter case, he would not have a permanent interest, and would not be liable for fair wear and tear; but where he was under lease or agreement it was the universal practice to insert a covenant on his part, throwing upon him the duty of maintaining the improvements. In some parts of the country with which he was acquainted the tenant was allowed the materials, and a certain portion of the labour was found; but he believed that in his part of the country the custom was there in favour of the tenant than in most of the districts of England, where the whole of the labour, as a rule, fell upon the tenant. The question was whether the system should be introduced into Ireland, or whether they were to make a hard-and-fast line that the landlord was not only to create the improvements, but that the tenant was to be absolved from all liability in respect of maintaining them.

Mr. GIBSON said, the Prime Minister had stated very reasonably that he was desirous of preventing any extension of the clause; but he was sure the right hon. Gentleman did not wish for a moment to prevent the clause from being rendered quite plain and clear, so that it might be a real clause giving the protection to the landlord which it was intended to give him. The object of his right hon. and learned Friend (Mr. Plunket) in moving the Amendment was to make the object the section purported to give real, and not a mockery, and to mitigate or obviate future litigation. The words of the clause, in their present form, would be either nugatory or would invite litigation. As it stood, the clause said that the Court might disallow the application where it was satisfied that the holding had hitherto been maintained and improved by the tenant. What was the meaning of that expression? Did it mean that the landlord created all the substantial improvements, and that he maintained them to a substantial extent, and that the tenant did nothing in the shape of maintenance? Did it mean that the landlord had not only to make such improvements, but that the tenant must have done nothing to assist in the maintenance of them? This, he ventured to think, might be a very reasonable construction which the Court might put upon the words, and, if so, it would make the clause absolutely worthless and nugatory. He would put this case. Suppose the landlord put up all the permanent buildings, that he had built the house, that he had erected all the outbuildings, that he had laid down a sound system of drainage for the entire farm, and that the tenant had done something, although it was no very substantial matter, in addition. Perhaps he might have made a very small addition to the house, trivial both in value and dimensions; or he might have done something by the way of opening the drain into a better fall, also trivial in extent and expense. In that case, could it be said that the landlord had done all the improvements and maintenance, when the tenant, as a matter of fact, had made some very trivial improvement in addition to what the landlord had done? For instance, would it be said that the landlord had not maintained, if the tenant had done anything by the way of putting paint upon the house, or in keeping the eyes of the sewers open, and that the landlord, therefore, had lost the protection of this clause? If that was the meaning of the Government, he had no doubt that they would say so at once. But there was nothing whatever in the clause to limit it, or to suggest to the Court that they should put that construction upon it. He hoped, if the Government were not prepared to accept the very words proposed by his right hon. and learned Friend, that they would be willing to introduce some words to show what the real meaning of the sub-section was, and to provide that its protection should not be lost to the landlord in consequence of any matter in connection with the maintenance of improvements which the Court might hold not to have really derogated from the substantial action of the landlord himself.

MR. CHAPLIN remarked, that after the speech of the right hon. Gentleman the Prime Minister in introducing the Bill he was disappointed when he came to see this sub-section, and still more disappointed at the refusal of the Government to accept the Amendment of his right hon. and learned Friend. The words of the right hon. Gentleman, on the introduction of the Bill, were—

> "I cases where what is called 'the English system' prevails, or, as we define it, where the holding has been maintained and improved by the landlord, we have thought that justice demands that the landlord should not be brought into a new and exceptional state of things which really has no application to the relation which subsists between him and the tenant."—[3 *Hansard*, cclx., 910-11.]

That meant, of course, that such estates should not be brought within the operations of the Court. The paragraph itself involved a serious contradiction of terms, because he did not understand that it was the English system that prevailed, and that estates and improvements were maintained by the landlord. In point of fact, it was a contrary state of things that prevailed. What was generally done in England was this. The landlord made improvements, and put everything into a good state; and, as a general rule, the tenant was bound by the terms of his agreement to keep them in a good state of repair. Therefore, he took it that that paragraph involved a contradiction of terms. But if the section was ever intended to exempt English-managed estates from the operation of the clause, they ought to have a more distinct definition than they had yet had of what the word "maintenance" meant. Did it mean that every single repair was to be done and kept up by the landlord? And was that qualification rendered necessary by sub-section 8, because a tenant built a single pig-stye, or put up any small building on the estate? He hoped the Committee would get something further from the Government; and, unless they did, he thought they would have good grounds for believing that they had been singularly misled, although it might not have been intentional.

COLONEL COLTHURST said, his right hon. and learned Friend (Mr. Plunket), in moving the Amendment, quoted a case in which he stated that the clause as it was at present drafted would work harshly. In the case mentioned by his right hon. and learned Friend, no doubt a large sum of money was invested in the improvement of the estate; but he believed that the money was obtained from the Government, and that provision was made for paying it off by means of a sinking fund, at 6½ per cent. The clause as at present worded might work hardly in certain cases; but it would not injure landlords whose improvements had been paid for by money borrowed in that way. The borrowed money would, in point of fact, be repaid by the tenant; and when the term had expired, how could it be said that the money had been expended by the landlord?

LORD EDMOND FITZMAURICE desired to say a word, mainly in consequence of what had just fallen from his hon. and gallant Friend (Colonel Colthurst). He quite agreed with his hon. and gallant Friend in the distinction he had drawn between the cases of landlords spending money out of their own pockets and laying out money borrowed from the Public Works Loan Commissioners, and repaid by means of a sinking fund. But, in justice to the case alluded to by his right hon. and learned Friend opposite (Mr. Plunket), he had reasons to believe that a large portion of the money in that instance was not borrowed from the State, but was money provided by the landlord himself. Where the landlord spent money of his own, unless it could be shown that he charged a sum which covered not only the ordinary interest upon that money, but a sinking fund for the repayment of the original loan, they had no right to treat it as his hon. and gallant Friend (Colonel Colthurst) did. It would be for the Court, he apprehended, to enter into every case upon its merits. But what he wanted to say had reference to what fell from the hon. Member for Mid Lincolnshire (Mr. Chaplin). He was exceedingly anxious not to make any charge against Her Majesty's Government of having at all misled the Committee, either voluntarily or involuntarily. He thought it desirable that they should keep to the discussion free from any allusion of that kind, because he felt certain that it could not have been the intention of any Member of Her Majesty's Government to mislead the Committee. At the same time, the Amendment of the right hon. Gentleman the Prime Minister, in making his speech on the introduction of the Bill, had been a little misunderstood. The right hon. Gentleman was quite correct when he said that where the major expenditure was made by the landlord there was to be an exemption from the Bill. [Mr. Gladstone: A substantial expenditure.] He had no doubt that if the right hon. Gentleman's words were carefully read it could be shown that they necessarily covered that meaning; but it was based on a different belief that his hon. Friend the Member for Great Grimsby (Mr. Heneage) the other night brought forward his Amendment on the 1st clause. That Amendment was a proposal that in cases where a substantial expenditure had been made by the landlord there should be an exemption from the Bill, because exemption from free sale carried with it exemption from the rest of the Bill. His hon. Friend used the same words as were used in the present case, in the belief that they meant that where substantial improvements were made by the landlord under Clause 7, there was to be an exemption from the powers of that Court. They now found that the legal interpretation of the words meant something a good deal less than that. Personally, he did not think it would much signify whether they kept the sub-section in the clause or not. He very much doubted whether in Ireland they would find many cases where the holding, after having been made by the landlord, had been entirely kept up by him. He was inclined to doubt whether they would find it to be the case in England or Scotland either. He believed that the words would exclude every holding kept up under a lease where the tenant was bound to maintain the holding in what was called in England tenantable repair. Acting upon the lines he had previously suggested of simplifying the Bill, he honestly confessed that if they excluded English-managed estates from the purview of the Court, he did not think that any very great effect would be produced by the clause. He really did not think that the sub-section was of very great value; but he should go into the Lobby with the Government whatever their decision might be. As a matter of fact, he believed that if the Government decided to omit that sub-section the result would be the same.

Sir STAFFORD NORTHCOTE: I do not think there need be any occasion for a division if the Prime Minister will agree to keep the word which he used in his speech, or, at all events, which he has accepted within the last few minutes —I mean the word "substantial." If we are to understand that the sub-section is to be applicable to the case in which the landlord substantially makes the improvements, that would be easily expressed by inserting the word "substantially" in the 7th line before the word "maintained." It must be borne in mind that a large proportion of the case made for exceptional legislation in Ireland rests upon this—that it is the practice in Ireland, although it is not usual in England, for the tenant to make the improvements; and, therefore, where a case arises in which the landlord makes the improvements the case is altered, and must be provided for. A great deal has been said about a distinction between cases where the landlord makes the improvements out of money he has borrowed instead of the money being his own; but it ought to be borne in mind that if the landlord makes the improvements out of money which he has borrowed, it is he who is really chargeable with the interest and responsible for repayment; and, suppose that an alteration takes place in the value of his property, by which the rental is largely reduced, he may find it very difficult to meet the burden which he has undertaken in carrying out the original improvements, in the belief that the rental would remain the same. Unless, therefore, the Bill makes some provision to relieve a landlord in that position, we must treat the case of the landlord who has borrowed money very much as if he had laid out money of his own for these purposes. Under these circumstances, I think, in the present instance, it would be a convenient arrangement to introduce the word "substantially," and that the introduction of that word would meet the justice of the case.

MR. SHAW remarked, that, in his opinion, no harm would be done if the sub-section were omitted entirely. But if the Government did not desire to omit it, he decidedly objected to the insertion of the word "substantially" as an introduction to the word "improve;" but he did not think there would be any objection to its insertion if it were used only to qualify "maintained." The section would then read—"Where the improvements have been made by the landlord and substantially maintained." At the same time, he did not think the section, even amended in that way, would either do much good or any great amount of harm.

MR. LITTON objected to the insertion of the word "substantially," because it might be regarded as an indication or cue to the Court that it was to consider whether the nature of the improvements effected and maintained by the tenant were to such an extent as to give him a substantial interest in the holding. He thought it would be sufficient to show, after the improvements had been first made, that they had been efficiently maintained so as to make the rent paid a fair rent, and an application to the Court would not be necessary for anything short of that. He, therefore, saw no reason why the word "substantially" should be inserted in the section.

MR. A. J. BALFOUR said, he understood from hon. Members opposite that they would use the word "substantially" to qualify the maintenance, but not the making, of the improvements. That would certainly be an improvement of the section as it now stood; but it would not obviate the objection which was made on that side of the House in more than one quarter, that the tenant might escape from the operation of the clause by making some small and unimportant improvement upon the farm. For instance, he might erect a substantial pigstye, and by that means escape altogether; and, therefore, it was thought necessary that the word "substantial" should be introduced, and that it should be introduced not only to qualify the maintenance of the improvements, but the making of the improvements themselves.

MR. GLADSTONE: I am willing to accept an Amendment in the direction suggested by my hon. Friend the Member for the County of Cork (Mr. Shaw). I do not agree that the words as they stand would cover improvements made by the tenant of an unsubstantial character. Undoubtedly, the meaning of the section is, that the improvements made by the landlord should be substantial and appreciable; and also, in regard to the maintenance, that it should be a substantial maintenance. I believe that that is a common and well understood phrase, and that it is absolutely necessary for the tenant to maintain the holding substantially. We agree to put in the words "by the landlord and not by the tenant." The section would then read thus—

> "Where the Court is satisfied that the holding in which such tenancy subsists the improvements have been made and substantially maintained by the landlord and not by the tenant."

MR. PLUNKET said, that, as far as the words proposed by the Prime Minister went, they would not affect the earlier part of the clause—that was to say, that the improvements should have been substantially made by the landlord. He would accept the words suggested rather than put the Committee to the inconvenience of a division, which, he supposed, he would not have much chance of carrying. But he reserved to himself the right afterwards of raising the question if he considered it necessary. The Amendment he had moved for the insertion of the word "on" after the word "that" was merely a verbal one.

Amendment (*Mr. Plunket*) *agreed to.*

MR. MARUM said, this sub-section was of an exceptional character, and ought to have been placed amongst the exceptions in the 46th and 47th clauses. He contended that no holding in Ireland ought to be excepted from the operation of the Act, and therefore proposed to add, in page 8, line 7, after the word "subsists," the words "has been reclaimed from its aboriginal condition and."

THE CHAIRMAN pointed out that the proposed Amendment would not make sense, the word "on" having been adopted by the Committee.

Amendment proposed, in page 8, line 7, leave out "has," and insert "the permanent improvements have." —(*Mr. Plunket.*)

Amendment *agreed to.*

Mr. PARNELL said, the Amendment he proposed to move would give the tenant the benefit of the improvements he was entitled to claim under the Act of 1870.

Amendment proposed, in page 8, line 7, after "theretofore," insert "during the tenancy of the tenant and his predecessors in title."—(*Mr. Parnell.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE was disposed to adopt the Amendment.

Mr. GIBSON said, he hoped the Government would consider carefully the effect of this Amendment, which was rather adroitly introduced by the hon. Member for Cork. It would place the landlord under the obligation to going back in respect of the improvements infinitely beyond any that had been proposed in previous land legislation, or in this Bill as it originally stood. The Bill said the improvements on the holding should have been theretofore maintained and made by the landlord; but the hon. Member for Cork proposed to introduce words to say that the improvements must have been made and maintained on the holding during the entire term of the tenant and his predecessors in title, thereby going back to the farthest limit possible; but which, in fact, amounted to no limit or qualification at all. Some limit, however, must be imposed. If the Amendment were adopted, the landlord (Mr. Mahony) whose case had been referred to, and who came into possession in 1851, would be deprived of the benefit of the clause, although he had spent every penny which had been expended in improvements during the last 30 years. Then, again, there were tenancies which dated as far back as the year 1810, and the time of the Union. Surely it was not intended that the landlords of those estates should be ousted. Under the Act of 1870, there was a provision that improvements should not be credited to the tenant that had been made for 20 years before the passing of that Act. But this Amendment struck at the root of that principle, and would compel the landlord, even if the tenancy had been in existence 200 years, to show that he had made and substantially maintained the improvements through that long duration of time. The Amendment was absurd on the face of it, and could not stand the test of examination. If it was intended to give landlords who made and effected the improvements on their estates the benefit of this sub-section, it was absolutely necessary that some reasonable and definite limit should be placed on the time to which those improvements were to date back.

The ATTORNEY GENERAL for IRELAND (Mr. Law) pointed out that the word "theretofore," already in the clause, included all time which had gone before. In the case of the landlord, who dated from 1851, suppose that he had effected improvements since that time, and that they were of small value as compared with the improvements made by the tenant prior to that time, and that the tenant's improvements still survived, why should the tenant not have the benefit of the clause? The Amendment appeared to him perfectly reasonable. Where a particular tenancy was under consideration of the Court, the question should naturally be—what had happened during the continuance of that tenancy? The only limit that could be put was the limit of the tenancy.

Mr. GIBSON said, he could not vote for this Amendment if the case he had referred to was to come within it. His right hon. and learned Friend had not touched that point at all. He thought that it was a matter which might fairly be left to the Court to say what would be the reasonable periods during which the expenditure should have been made before the passing of the Act; and, therefore, he proposed to add to the Amendment of the hon. Member for the City of Cork (Mr. Parnell) the words "for the prescribed period."

Mr. CHAPLIN pointed out that the Prime Minister could not have intended the Court to be guided absolutely by the word "theretofore," or he would not have said "we change this where the English system prevails;" had he so intended, he would have used the word "prevailed." The Amendment of the hon. Member for Cork would render the sub-section completely worthless. How could a landlord contradict the statement of a tenant that improvements on the holding had been made by the tenant's predecessors in title 100 years ago? But unless he was able to do so, as he (Mr. Chaplin) understood it, the landlord would not get the benefit of the sub-section. The Amendment, if accepted, would, therefore, be the means of defeating that provision by which the Committee had been informed that it was the intention of the Government to except English-managed estates from the provisions of the Bill.

SIR GEORGE CAMPBELL pointed out that there were many estates on which both the landlord and tenant effected improvements. It appeared to him if a tenant had reclaimed land 40 years ago, or built a house, and if the holding had been in his possession, or that of his successors in title ever since, and if the improvements still subsisted, that it would not be right to bring that holding within the operation of this sub-section, because, notwithstanding that the landlord might have effected some improvements, it would not be in the position of a farm managed on the English or Scotch system, under which everything was done by the landlord. He trusted, therefore, that the Government would agree to the Amendment of the hon. Member for Cork.

MR. PLUNKET said, he hoped the Government would not agree to the Amendment. He contended that all estates which were conducted on English principles—where, for instance, the houses and buildings had been made by the landlord and substantially maintained by him—that such estates should have the benefit of this sub-section. The Irish landlord who did that ought not to be placed in a worse position than other Irish landlords, because he had acted in the same way as his brethren on this side of the Channel.

MR. MITCHELL HENRY said, the clause had nothing to do with the sale of tenant right—it simply had reference to the fixing of a fair rent. If the landlord had erected a substantial building, and had lately expended money on the farm, he would naturally be entitled to a higher rent than a landlord who had not done so; and that he would get from the Commission. On the other hand, there was hardly a farm in Ireland on which some substantial reclamation from the waste had not been made by the tenant. The sub-section seemed to him of no real importance, and he should not be sorry to see it struck out, because, without it, the landlord would always get credit for what he had done.

MR. O'SHAUGHNESSY said, he could not understand the opposition on the part of the landlords which had been offered to the Amendment of the hon. Member for Cork, inasmuch as that Amendment was rather in favour of the landlord than otherwise. The effect of the sub-section was to enable the Court to disallow the application of the tenant for a reduction of rent in case the Court was satisfied that the holding in which the tenancy subsisted had "theretofore," that is for all past time, been maintained and improved by the landlord. The Amendment of his hon. Friend proposed to limit the application of the term "theretofore," by adding the words "during the tenancy of the tenant and his predecessors in title." If the Amendment were accepted, the liability of the landlord would only be in respect of improvements effected by the tenant himself, or persons who had held under his lease.

MR. PARNELL said, that if the acceptance of the Amendment by the Government was likely to lead to prolonged discussion on Amendments from the Front Opposition Bench, he should wish to place himself in the hands of the Committee. He would rather withdraw this Amendment than that time should be wasted in further discussion.

MR. GLADSTONE: I think that the word "theretofore" is a phrase which gives no particular limit to the antecedent time during which the improvement had been made and maintained by the landlord. The hon. Member for Cork is disposed to get rid of that indefinite period, and to found that antecedent action of the landlord upon something like principle; and I think there is something like a principle in the hon. Member's proposal, because it means wherever this thing has been done by the landlord during the time in which there has been a continuity of interest in the tenure. I think that is a just and rational basis for our action; and, although I should be sorry to place any obstacle in the way of the hon. Member if he wishes to withdraw, I rather hope that the Amendment will be adhered to.

The word "theretofore" *omitted.*

The words "during the tenancy of the tenant and his predecessors in title" *substituted.*

Amendment proposed, in page 8, line 7, at the end of the foregoing Amendment to insert the words "for the prescribed period."—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) regretted that this Amendment could not be accepted.

MR. GIBSON said, in that case, he regretted to be obliged to put the Committee to the trouble of a division, because he believed that, with the Amendment of the hon. Member for Cork, the sub-section would not be worth the paper on which it was written.

Question put.

The Committee *divided:*—Ayes 110; Noes 175: Majority 65.—(Div. List, No. 286.)

Amendment proposed, in page 8, line 8, after "landlord," insert "and not by the tenant."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

MR. GIBSON, in moving the next Amendment, said, one of the main reasons for introducing this Bill was the allegation, so frequently made in the Irish Press and on Irish platforms, that landowners in Ireland, in abuse of their position, had taken advantage of the Act of 1870 to raise their rents. It had also been mentioned from time to time, in important speeches made in that House, that the landlords of Ireland had, to a large extent, raised their rents since 1870. He did not intend to go into that question; but he said it was reasonable that when no such course had been taken by the landlord of raising the rent since the Act of 1870, the Court should have power to refuse to entertain the application of the tenant. Wishing, as he did, to prevent litigation under the Act, he proposed to insert the words he had placed on the Paper.

Amendment proposed,

In page 8, line 8, after "landlord," insert "or that the rent of such tenancy is not higher than it was at the passing of the Land Act of 1870."—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: I cannot agree to this Amendment. There is no doubt that the fact of the rent not having been raised during a certain period of time might be considered by the Court; but it is quite plain to my mind that if we are to go back to any period it should not be the date of the passing of the Land Act of 1870, but the date of the Encumbered Estates Act.

SIR WALTER B. BARTTELOT said, he did not understand the arguments of the right hon. Gentleman. So far as he understood the Amendment, it would only affect estates managed on the English system. ["No, no!"] Well, if that were not so, the mistake was his. He was strongly in favour of the Amendment, especially after they had fixed the statutory term of 15 years in the interest of the tenant. There had been some very grave statements made as to the Act of 1870, to the effect that since that Act tenant's rents had been raised throughout Ireland. [Mr. GLADSTONE dissented.] The right hon. Gentleman (Mr. Gladstone) shook his head; but statements of that kind had been made, and had been very extensively commented upon in the Press and elsewhere. He thought that landlords who had dealt honestly with their tenants, and had not altered their rents for 15 or 20 years, deserved some consideration; and he ventured to say that there was nothing in the Bill, as it at present stood, to enable the Court to extend the deserved consideration to those landlords. The Prime Minister would lose nothing by accepting the Amendment. The question was a serious one, and had been raised by his right hon. and learned Friend at the proper time.

MR. CHARLES RUSSELL said, the right hon. and learned Member who brought forward this Amendment had not made allowance for the fact that a rent fixed in 1870 might not have been a fair rent. If he could have established, at the outset, that the rents fixed in 1870 were fair, there would have been some ground for the proposition; but he had not done so. Such a thing could not be established; in fact, on all hands it was strenuously denied. The right hon. and learned Gentleman, by his Amendment, seemed to consider that the Bill would only have effect now; but, as a matter of fact, in all probability it would be in operation for many years to come. There was to be a statutory term of 15 years; but the right hon. and learned Gentleman wished that to be ignored by the Court, if they thought fit, and he desired to enable it to refuse an application to have the rent fixed, and thereby, perhaps, to compel a tenant to pay an unfair rent because a certain rent was paid in 1870. He concurred in the hope that litigation would be decreased as much as possible; but he thought they might rest assured that where the rent was anything like a fair one, the tenant would not take a course which would lay him open to the risk of having an increase added to his rent.

Mr. GIBSON asked the permission of the Committee to withdraw the Amendment. There was some force in what had been said by the Prime Minister, that the Amendment might be taken as a restraint upon the discretion. He would bring up a proposal less open to objection on Report.

Mr. MARUM pointed out that fluctuations in the price of agricultural produce would produce fluctuations in the amount of rent. Variations in the price of produce could not be controlled by an Act of Parliament, and it must be borne in mind that it was owing to the altered condition of things in consequence of the reduction in the price of produce, and the unfavourable seasons of the past three or four years, that had brought about the present agitation in Ireland, and rendered this Bill necessary.

Amendment, by leave, *withdrawn*.

Mr. GIBSON said, the next Amendment in his name had reference to the procedure of the Court, and it seemed to him that it ought to be readily accepted by the Government. As the hon. and learned Member for Antrim (Mr. Macnaghten) had pointed out on the second reading, this Amendment would prevent a gross injustice. Under the Bill, as at present drafted, it would not be possible to compel the tenant to run the chance of what the decision would be, for, if he saw the case was going against him, he might say—"I shall retire; I do not want your decision." A man might apply to the Court hoping that it would reduce his rent; but after hearing the evidence, and considering the circumstances of the case, the Court might refuse to reduce the rent, or, even looking upon it in an altogether different light, it might put some small increase upon the rent. The Bill, as at present drafted, would not prevent a tenant, when he found which way the Court was going, and that he had no chance of succeeding, quietly withdrawing from the matter. Therefore, as he had said, the Amendment sought to prevent a gross injustice.

Amendment proposed,

At the end of the foregoing Amendment, to insert as a new sub-section, "(9.) When an application is made to the Court under this section in respect of any tenancy, such application shall not be withdrawn except after prescribed notice, and by leave of the Court upon cause shown."—(*Mr. Gibson.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, the Amendment related to that which was purely a matter of procedure, and he thought it would be well to intrust the Court with the regulation of such matters. It was for the Court to decide whether it would allow an application to be withdrawn or not, and unless they were going into the minutiæ of the practice of the Court, they had much better reject the Amendment and leave the case as it stood.

Mr. GIBSON said, he would not withdraw the Amendment, for the reason there was nothing whatever in the clauses later on to suggest to the Court what their line of action should be.

Mr. CHARLES RUSSELL said, the Amendment would have a much wider scope than merely meeting the case the right hon. and learned Gentleman suggested.

Mr. TOTTENHAM said, there were some cases in which it would be impossible for the tenant to withdraw. Let them take, for instance, the case of a landlord having been put to the greatest inconvenience and expense in the preparation of a case and the bringing up witnesses. At the very last moment, the tenant might neglect to put in an appearance, or, having gone into the Court and having heard other and similar cases decided, fearing that the Court would rule in favour of the landlord, refuse to go on. All the expense and trouble to which the landlord had been put would have occurred for nothing. He trusted, therefore, that the right hon. and learned Gentleman would press his Amendment to a division.

Mr. A. J. BALFOUR thought that the arguments of the right hon. and learned Gentleman were conclusive in favour of the Amendment. It should be borne in mind that the hon. and learned Member for Dundalk (Mr. C. Russell), who was one of the most competent lawyers in the House, was clearly of opinion that the Amendment should be agreed to.

Mr. HOPWOOD said, he thought the Amendment was one that would be productive of mischief, as it would interfere with those cases in which a landlord might consent to allow a case to be withdrawn.

Mr. GIVAN said, that if the tenant withdrew from the proceedings he would, at any rate, be made to pay the costs; but if they did not allow him to withdraw, it would be most dangerous for any tenant to commence proceedings.

Question put.

The Committee *divided*:—Ayes 52; Noes 127: Majority 75.—(Div. List, No. 287.)

Lord RANDOLPH CHURCHILL said, he wished to move an Amendment that stood in the name of the hon. and learned Member for Preston (Sir John Holker). Estates under the Landed Estates Court were in a different position to ordinary estates, and arrangements were made under the Landed Estates Court, the object of which had been to attract capital into Ireland, and a considerable number of new works had taken place in connection with that Court. On many of the estates the rent might have been increased; but, at the same time, he knew for a fact that there were many landlords who put their estates in the Court and afterwards bought them out again, the rents remaining the same. He could mention one case in which he was certain that no rent had been raised —namely, the case of the estates of Lord Portarlington. The rents on his Lordship's property were the same as they were on the day he succeeded to the property. If there were cases of that nature in which the object of the new purchase had been to improve the condition of the people, and not to make speculation of the matter, he thought the estates had a Parliamentary guarantee, and, therefore, there ought to be some exception made with regard to them.

Amendment proposed,

At the end of the foregoing Amendment to insert the words "or in the case of a tenancy comprised in an estate purchased in the Landed Estates Court, that the rent of such tenancy has not been increased since the date of such purchase."—(*Lord Randolph Churchill.*)

Question proposed, "That those words be there inserted."

Mr. GLADSTONE said, he could not agree to the Amendment; but he would suggest that the noble Lord should bring forward the proposal, in the shape of a new clause on Report. It seemed to him they would be better able to consider the matter on Report than at present.

Mr. GIBSON said, the Amendment which had been moved by the noble Lord, in the absence of the hon. and learned Member for Preston (Sir John Holker) dealt with what was to be the position of estates which acquired a statutory title by purchasing in the Landed Estates Court. An entirely new and vastly important topic was opened, and the tenants would often be told that the rents were under value. It was not right that such tenants should be put in precisely the same position as those who had not acquired similar rights, and the Amendment only required that the attention of the Court should be directed to the difference in position of those purchasers from the others.

Mr. GLADSTONE: I do not think the question is one for the discretion of the Court; but it is one of the highest and most difficult subjects with which the Legislature can deal. The guarantee of the State is perfectly clear; it is a guarantee of title and not of rents.

Lord RANDOLPH CHURCHILL said, that the guarantee was this, so far as the action of Parliament was concerned, that the value of the estate should not be interfered with. The Prime Minister thought it a waste of time to call the attention of the Committee to the fact that there were many estates in Ireland that had been bought in the Landed Estates Court; but he (Lord Randolph Churchill) did not think it was a waste of time. It was not a waste of time if it had only the effect of showing that while a Radical Government was in power the guarantees of Parliament were worth absolutely nothing.

Mr. GIVAN said, he did not suppose anyone intended to argue that the guarantee under the Landed Estates Court was a title to a certain amount of rent;

in his experience no such thing had ever been urged before, and he was surprised to hear the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) arguing in that way. The Landed Estates Court guaranteed the title of the landlord—it gave an indefeasible title of the landlord interest in the holding to the purchaser. It gave over the tenants, with all the incidents of their tenancies to the purchaser; but the tenants were not affected in their rights by the transfer from one landlord to another. They merely passed over, retaining their tenancies as they were before, and their claim to be protected from excessive rents was untouched. If the Amendment were accepted, as the Prime Minister had said, purchasers in the Landed Estates Court last year or the year before, if they had not raised their rents, would not come under the operation of the Act at all. Really, the Amendment was too absurd to demand the serious argument or consideration of the Committee; and he could hardly see, except for captious purposes, how the question could be raised.

MR. CHAPLIN said, the right hon. Gentleman opposite had said that Parliament never heard of guaranteed rents. No one asked him to guarantee rents; that was not the question at all; all that they asked was that the Government should not interfere with rents depending on property, the title to which had been sold by themselves. What was the position of the Government? It was this—they had sold property of which they admitted they had guaranteed the title. What was the value of guaranteed estates? That depended, of course, on the rents; and the argument of the right hon. Gentleman amounted to this—"We have guaranteed you a title, and we must not interfere with the title; but we have perfect liberty, though we have guaranteed you the title, to reduce the rents to-morrow." Surely such an argument was never used before. He would call attention to a statement made by the Liberal Lord Chancellor. He had said—

> "It cannot be denied that it would be contrary to the special guarantee, as well as to general principle, if you destroyed in one Session titles on the faith of which you have induced purchasers to invest their capital."

These were the sentiments of the Lord Chancellor of the present Government, and yet the Prime Minister had the assurance to get up and say that he had perfect liberty to reduce the rents if he pleased.

MR. CHARLES RUSSELL said, there seemed to be a great amount of misapprehension in the mind of the hon. Member for Mid Lincolnshire (Mr. Chaplin) on this subject. He had spoken of the State selling these properties; but that was a mistake. What the Landed Estates Court Act did was this—it facilitated, at the instance of mortgagees, the right they had at law to realize the mortgage securities, plus this, that it enabled owners of encumbered estates voluntarily to go into Court and, by means of which the Court approved, to sell those estates. The Court was enabled to give a perfect guarantee of indefeasible title—but indefeasible title to what, in what respect did the purchase—except as to the indefeasibility of the title—in the Landed Estates Court differ from any other purchase? It was said, in announcing these sales, that "the rent was so and so, but that they were capable of being increased." Was not that done in the case of private estates? In what respect was the purchaser in a different position as to rental to the purchaser of a private estate through private means? In both cases it was a common thing to say that the rents might be increased; and, as Judge Longfield had pointed out, everyone who bought in the Encumbered Estates Court took the risk of any subsequent legislation that the Legislature thought it for the good of the community to pass. He would point out that the arguments used on this Amendment went very far and were very wide. The question was not one of giving the Court authority; but they ought to assert boldly their claims, if they had any, and not leave them to the discretion of the Court.

CAPTAIN AYLMER said, it seemed a strange thing that Parliament could say, where the rents had been fixed, that they would bring in a Bill to have the rents reduced. Estates bought under the Encumbered Estates Court Act were practically given by the State; but they were told now that the tenant was to have an interest in the land, and that matter would come under the notice of the Court. He maintained that the title that was given was reduced under the Bill. Those who purchased in the Encumbered Estates Court were now made aware of many things which they bought in ignorance. The tenant's interest in the soil and the statutory term had since sprung into existence.

Mr. ARTHUR MOORE said, the hon. and gallant Gentleman (Captain Aylmer) had confused two things. It might be a question for debate whether there should not be a limited time for litigation beyond which tenants should not be allowed to come into Court to have their rents revised; but it was a monstrous thing to say that because a man bought from the Landed Estates Court he was never to have his rent raised. Was he in any better position to the man who had immemorial title? Purchasers had no right to expect that their rents would be stereotyped.

Mr. MITCHELL HENRY said, if this Amendment were adopted it would deprive a large number of tenants of the benefit of the Court. It was well known that the estates purchased under the Landed Estates Court were just those upon which the tenants required protection.

Mr. T. D. SULLIVAN said, that this Amendment seemed to go on the assumption that all the rents on the property bought under the Encumbered Estates Court Act were fair rents; but that was not the case. He was acquainted with the circumstances of a property in the West of Ireland on which the rents were raised immediately before the sale, and the man who bought had been regretting his purchase every day since, because he had had, as an act of justice, to make very considerable abatements. Why should not considerations of justice affect properties bought under the Landed Estates Court Act as well as any other properties? There was no ground for the assumption that these rents were fair rents, and that being such they should hold good for all time.

Lord RANDOLPH CHURCHILL said, he should take a division upon the question, in order to stereotype the conduct of the Government, and to show that Parliament, under the present Administration, set no value whatever upon Parliamentary guarantees. He wished, if there was anyone fool enough to purchase property under the new Land Commission that he should do it with his eyes open, knowing the kind of treatment he was likely to get in, say, 10 or 15 years' time.

Mr. MARUM opposed the Amendment, and pointed out that when the protective peace duties were imposed properties had been purchased on the strength of the then existing condition of things, and, when that condition was subsequently altered by the repeal of the duties, were very considerably damaged.

Question put.

The Committee *divided*:—Ayes 20; Noes 116: Majority 96.—(Div. List, No. 288.)

Mr. TOTTENHAM said, that, in the absence of the hon. Member for North Wiltshire (Mr. Long) he wished to move the next Amendment. Its object was to define more distinctly the nature of a holding. As it was described, it would represent an absolute interest in the holding, and not simply an interest in the tenancy.

Amendment proposed, in page 8, line 15, after "the," insert "tenant's interest in the."—(*Mr. Tottenham.*)

Question proposed, "That those words be there inserted."

The ATTORNEY GENERAL for IRELAND (Mr. Law) said, there was an inaccuracy in that part of the clause; the word "holding" should be omitted, and the word "tenancy" substituted. He himself would propose an Amendment.

Amendment, by leave, *withdrawn.*

Amendment proposed, in page 8, line 18, leave out "resume the holding," in order to insert the words "purchase of tenancy."—(*Mr. Attorney General for Ireland.*)

Amendment *agreed to.*

Captain AYLMER said, he had an Amendment to move that stood in the name of the hon. Member for Exeter (Mr. Northcote.) When the Court fixed the rent the sum named by the Court was to be lessened by the amount of any damage done by the tenant, wilful or otherwise, resulting in the waste or deterioration of buildings. Well, it was quite possible that such damage might have been done, or have been allowed to be done by the tenant; and it seemed monstrously unfair that the landlord should not be allowed to get the same rent that he had received before.

Amendment proposed,

In page 8, line 21, after "fixed," insert "or less by the amount of any damage caused or suffered to be done by the tenant, resulting from waste by dilapidation of buildings, or deterioration of soil, or otherwise."—(*Captain Aylmer.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment. In the first place, if a building upon a holding had been wasted, or the soil had been allowed to run out, his tenancy was worth so much less, and so much less was paid for it. This clause simply enabled a landlord to exercise the right of preemption which was given to him in the 1st clause. He would undertake to bring up a clause to provide that if there had been dilapidation the amount of such dilapidation should be assessed and deducted.

MR. PLUNKET supported the Amendment. The insertion of those words could not do any possible harm, while it would make the clause much more satisfactory.

MR. CHAPLIN said, that unless he misread the clause an application might be made at the commencement of a statutory term to fix the price; but the notice to fix the price might be at the end of a tenancy or shortly before a tenancy; and the hon. and gallant Gentleman must perceive that when the 15 years had elapsed great deterioration might have occurred, and that deterioration should be taken into account at the time the price was fixed.

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he could not accept the Amendment; but he would be prepared to consider the question on Report.

CAPTAIN AYLMER said, in that case he would withdraw his Amendment, relying on the Attorney General for Ireland to bring up another.

MR. BIGGAR objected to the Amendment being withdrawn, for the proposal was one-sided, and it would be better to negative it.

MR. WARTON observed, that he did not approve of these hasty withdrawals, for when they came to the Report there would not be anything like the time that would be necessary for the discussion of all these matters. Hon. Members would not be able to speak three or four times to make their meaning clear; and, although assurances had been given on many points, he feared the Committee would be put off at the last moment.

Amendment, by leave, *withdrawn.*

CAPTAIN AYLMER proposed another Amendment, explaining that it had previously been placed at another part of the Bill, but had been knocked out. Its object was to insure that the value of improvements should not be piled up on an estate for ever, causing a very heavy incubus on the estate, and eventually a heavy loss to the landlord. On the second reading of the Bill the hon. and learned Member for Meath (Mr. A. M. Sullivan) endeavoured to show how the 7th clause would work. He took the case of a farm valued at £150. The occupant might spend £250 in improvements, and he would be entitled, say, to £250 for goodwill. Suppose he sold for £500, why should not the next man sell at a higher sum—the same amount of £500 with a slight addition for occupancy, and another £100 for improvements, and so bring the sum up to £700 or £800? On the other hand, the full rent might not increase; the holding might be valued in a bad season, after a tenant had not been very wise in his management, and £150 might still be the full rent, while, instead of interest on £500 being deducted, it would be interest on £800. So a slice would be cut out of the landlord's property at each transfer. This was no suppositious case; it might go on until, after a time, the tenant's right in the farm would be equal to the fee simple, if not greater. The Prime Minister had stated that under this Bill what was given to the tenant would by no means come out of the rent; but, according to Clause 12, the higher the tenant right the lower would the rent be reduced. It was evident, therefore, that the Bill should provide some precaution against this continued high rate of improvement; and that it should, at all events, be limited. He was quite aware that there were some limitations to the tenant right; but he hoped the Prime Minister would agree with him in the necessity for this limitation. In London the Government let land on 80 years' leases;

but they made it a condition that the tenant should spend a certain amount each year upon the land, the land reverting to the Government at the end of 80 years. If the Amendment was refused, they would practically be refusing to Irish landlords what they insisted upon from tenants of the Crown. He only asked the Government fairly and carefully to consider whether this right to permanent improvements should go on piling up for ever, and whether it would not be fairer to give a reversion to the landlord after a fair occupancy. Under the Act of 1870, a limit of 20 years was mentioned, and it was always allowed by those who advocated that Act that 31 years ought to pay a tenant for his improvements; that 31 years would be plenty of time for a tenant to recoup himself for his improvements; and he hoped the Committee would accept the Amendment as it stood, or in some other shape.

Amendment proposed,

In page 8, line 21, after "fixed," insert "and the value of any permanent improvements considered by the Court to be such, shall for the purposes of this Act be estimated at the fair cost of effecting same, less four per cent for each year that shall have elapsed since such improvements were made."—(*Captain Aylmer.*)

Question proposed, "That those words be there inserted."

Mr. W. E. FORSTER objected to the Amendment, and did not think the least wrong was done by the clause as it stood.

Amendment *negatived.*

The CHAIRMAN: I must point out to the hon. Member for Cavan (Mr. Biggar) that on the 26th of June the Committee decided that the statutory term should be 15 years. I am aware the hon. Member's Amendment refers to a judicial rent; but I do not know whether he intends to move it.

Mr. BIGGAR said, there was some difference of opinion among his hon. Friends with regard to this Amendment, and, therefore, he would not move it; but he had not changed his opinion upon the point.

Mr. LEA, in moving an Amendment standing in his name, said, it was one which involved a very important principle — namely, a tenant's security in his improvements. That was not only a landlord's and tenant's question, but a national question. The present section of the Bill said there should be a judicial rent for 15 years, at the end of which the tenant or landlord might apply to the Court for a fresh rent. How was that rent to be determined? If it was to be determined upon a re-valuation of the holding, the tenant's improvements would be valued, and in that case the Bill would inspire no confidence, and tenants would refrain from making improvements. A judicial rent should be fixed by a revision, and there ought not to be any re-valuation. In Ulster the great complaint had been that the tenant right was eaten up almost entirely by the raising of the rent. He had known instances in which the tenant right had been partially destroyed by that process. Evidence to that effect had been before the Commission, and, in spite of what might be said in "another place," he was convinced that a stronger case might still be made out. One object of this Bill was, not only to protect the tenancy, but to create confidence; and a great increase of employment was anticipated from the Reclamation Clauses. He would not discuss them now; but he thought the Committee could not do anything better with a view to reclamation than to give perfect security for improvements. The right hon. Gentleman the Member for Birmingham (Mr. John Bright) had said last autumn he had heard there were 2,000,000 acres of waste land in Ireland which might be reclaimed; but would a tenant reclaim if he was not secure in his improvements? He desired to have some clear statement laid down by which there should not be re-valuation, but simply revision of rent; and his Amendment was framed for that purpose. He would give the landlord all that he was fairly entitled to; but the landlord was not entitled to raise the rent on the tenant's improvements. If there was some external improvement made by the introduction of a railway, or some improvement in the town or neighbourhood by which the land was made more valuable, the landlord would be entitled to his share in the improvement; but the tenant farmers would not be content if there was any chance of re-valuation. Was it likely a tenant would make improvements if the raising of his rent was to be the consequence? This matter had created a strong feeling throughout the North-West of Ireland, and throughout Ulster generally, and for that reason he proposed this Amendment.

Amendment proposed,

In page 8, line 24, after "years," insert "nor thereafter, unless the landlord has made improvements which have added to the agricultural or letting value of the holding, or unless the agricultural value of land in the district without reference to tenant's improvements has increased or decreased; and in the latter case such increase or decrease to be divided in proportion to the interests of landlord and tenant in the holding."—(*Mr. Lea.*)

Question proposed, "That those words be there inserted."

THE ATTORNEY GENERAL FOR IRELAND (Mr. LAW) said, he thought the suggestion deserving of consideration; but it appeared to him that the Amendment really proposed nothing more than the Court would be obliged to do. Everybody admitted that the tenant was entitled to the value of his improvements; and if the agricultural value of the land rose or fell, that must be taken into consideration by the Court in determining upon a revision of the rent. In the ordinary course of things, at the end of 15 years' statutory term a tenant would hold on at the same rent as before, until there was some movement made by himself or by the landlord to alter the terms. He would be a tenant from year to year before he got the statutory term; but the statutory term having gone, the landlord would be able, if he chose, to raise the rent. If, however, the tenant felt that the rent ought not to be raised, he could go to the Court and get a revision of rent and another statutory term. He was not sure whether the Committee thoroughly realized the fact that the cardinal principle of the clause at the beginning of it was that the tenant could, from time to time, go to the Court to fix his rent; and the tenant did not lose that power by going once or any number of times, subject to the restriction of the two sub-sections that when the rent was once fixed he could not go to the Court for 15 years, and only in the 15th year. And it appeared to him that the terms suggested by the hon. Member, as those which should determine the revision of the rent, were precisely what the Court would have to consider without any distinct specification of them. There was a difficulty in laying down there what particular considerations the Court must have regard to; and the Amendment did not go much into particulars, for it said the rent should not be altered unless the landlord had made improvements to the holding which had added to its agricultural value—which was an obvious thing; or if the agricultural value of the holding had altered either upwards or downwards. That was what the Court had to ascertain; and he thought it would be better to leave that to the Court. The 1st clause provided that the Court should consider not particular circumstances, but all the circumstances, and that covered everything that could be conceived as admissible for determining the rent. The Court must consider all the circumstances not only on the first revision, but on every revision from time to time to the last.

MR. LITTON said, he thought the right hon. and learned Gentleman had not fully appreciated the importance, in all its aspects, of the Amendment, for no notice had been taken by him of the last portion of it, which contained the most important provision—

"Such increase or decrease to be divided in proportion to the interests of landlord and tenant in the holding."

The interest with which the question was regarded might be gathered pretty well from the very definite Amendments lower down on the Paper in the names of several hon. Members, amongst others the learned Professor the Member for the Tower Hamlets (Mr. Bryce). That hon. Member had, in extended terms, placed on the Paper an Amendment which raised this precise point; and he apprehended that the decision of the Committee on the present Amendment would very much affect the right of the hon. Member to move his. The principle involved raised the question of how far the unearned increment was to be dealt with. When that came to be considered by the Court—as it would be under the terms giving the right to apply from time to time—the Court would be bound to regard the improvements effected by the tenant; but there was no provision with regard to the increase or decrease of the value, independently of the outlay of either landlord or tenant; and if some such increased value arose through the extension of a railway, or the sudden growth of a town, or the discovery of a mine, there was nothing in the clause to determine whether the landlord was to have the full benefit of that increased value, or whether the tenant was to have it, or whether it was to be divided between the landlord and the tenant. The observations of the right hon. and learned Gentleman did not show that the unearned increment ought to be divided; but that question was regarded as of great importance by tenants, especially where land had been reclaimed. Upon these grounds, he thought the Amendment was entitled to a great deal more consideration than it had received from the Attorney General for Ireland; and he should support the insertion of some such words either in this or in some other place where the Government might be prepared to discuss and consider the question of unearned increment.

Mr. GRANTHAM pointed out that there was no time fixed by the Amendment as to when the landlord and tenant might go into Court for the purpose of getting an alteration of the judicial rent. By the Bill, as it was drawn, the landlord was not to be deprived of his rights except for the period of 15 years, whereas if the Amendment was adopted that limit of 15 years would be entirely destroyed, and the landlord and tenant would never have the right of applying for an alteration of the judicial rent, unless it could be shown that the agricultural or letting value of the land in the district had increased or decreased. Not only would great difficulty arise as to the time when the future statutory holding would commence, but a still greater difficulty would result from the last part of the Amendment which the hon. and learned Member for Tyrone (Mr. Litton) appeared to think the best —namely, the division of the increase or decrease of value in proportion to the several interests of the landlord and tenant in the holding. It must be perfectly clear that the tenant's interest in the land was essentially distinct from that of the landlord. The tenant was allowed possession of the land for the purpose of farming it, and could not be disturbed for a time unless certain things were done by him; but, as far as he (Mr. Grantham) knew, it had never before been suggested that the tenant had any interest in the value of the land. That was a matter that entirely concerned the landlord, and the very reason why he was willing to take a low interest upon his money in the shape of rent was because he knew that, in all probability, the value of his land would rise owing to improvements which might take place in the district, and so afford him future compensation. If the adjustment of such matters as these were to be added to the already heavy labours of the Commission, they would, he believed, be rendered greater than any Court could deal with justly and to the satisfaction of the parties. For these reasons he hoped the Government would adhere to the determination they had expressed of not adopting the Amendment.

Mr. LEA said, his object was to create confidence on the part of the tenants in Ireland, who had been deceived with regard to the amount of protection they expected from the Act of 1870. He trusted the Government, by adopting the Amendment, would do something to create confidence on the part of the tenants in effecting improvements.

Amendment *negatived.*

Mr. A. J. BALFOUR said, the Amendment he was about to move was one of the most important that had been proposed to this clause, because under it could be discussed, and ought to be discussed, the whole question of fixity of tenure. The Bill had received a great amount of favour in Ireland and from Irish Members on the ground that it embodied the principle of the "three F's." Before he proceeded to speak of fixity of tenure, and the precise form in which the question was raised by his Amendment, he desired to meet an objection on the part of some of his hon. Friends that his Amendment did not go far enough. There was an Amendment on the Paper in the name of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson) which raised the question of fixity of tenure, and proposed to deal with it in a more drastic fashion. But that mode of raising the question did not appear to him to be the best. The reason he had chosen the term of 30 years was that he hoped so to construct his Amendment that it would fit into the framework of the Bill in such a manner as to enable the Government to accept it. If hon. Members would look at Clause 9 they would see that a lease of 31 years constituted a future tenancy;

and his proposal was that two statutory leases of 15 years or, in other words, a lease of 30 years, should also constitute a future tenancy. So that his Amendment, as it was framed, harmonized extremely well with that clause of the Bill, not yet discussed, under which the tenant, who made a lease with his landlord of 31 years and approved by the Court, would, at the expiration of that lease, become a future tenant. He proposed that if a tenant went twice to the Court, having continued a tenant for 30 years at the rent fixed by the Court, he should be in the same position as the tenant who entered into an agreement with his landlord to give him a lease of 31 years. It appeared to him, therefore, that he had raised this question in a shape that would be more agreeable to Her Majesty's Government than that which was proposed by the Amendment of his right hon. and learned Friend (Mr. Gibson). Her Majesty's Government had stated constantly that they objected strongly to the interference with freedom of contract which was contained in this Bill; that they deplored it as a necessity; that they did not profess to like it, but that as a necessity they adopted it. The noble Lord the Secretary of State for India (the Marquess of Hartington) had, in a speech that had been frequently quoted, described this Bill as a *modus vivendi*, which was gradually to bring back the Irish tenants to the normal and proper condition of free contract. But if the Court was to be allowed, at the end of every 15 years to the end of time, to fix the rent, he asked how that could be described as a *modus vivendi?* For anything to the contrary in the Bill, there was no reason why the successors of the present tenant should not go on for 999 years, having their rents fixed at intervals of 15 years by an order of the Court which excluded freedom of contract between landlord and tenant. Again, he asked, how could such a process be described as a *modus vivendi* by which free contract would ultimately be reached? In the limit of 30 years he had chosen the extreme limit which could be adopted, if it was not intended that the condition of things created by the Bill should be permanently established in Ireland. The period of 30 years represented one generation, and if a longer term than that was decided upon, the generation now growing up, and for whom they were legislating, would be educated under the belief that all relations between themselves and the landlords were to be settled and provided for, not in the way in which contracts were arranged and provided for in every country of the world, but under a special provision, which the Government themselves desired to be temporary in its operation. If, therefore, that period of 30 years was extended, there would be the risk that the generation of Irishmen now growing up, and for whom they were legislating, would be indoctrinated and impregnated with the opinion that there was a special Providence, in the shape of the Court, watching over their affairs. For the reasons he had put forward, he now begged to move the Amendment in his name.

Amendment proposed,

In page 8, line 24, after the word "years," to insert the words—"(11.) After the expiration of two statutory terms, a tenant shall be deemed a future tenant."—(*Mr. Arthur Balfour.*)

Question proposed, "That those words be there inserted."

MR. GLADSTONE: As I have always understood the statement of my noble Friend, referred to by the hon. Member who has just sat down, and so often quoted in this House, it was that this Bill was a *modus vivendi*, not for the purpose of securing freedom of contract, but absolute ownership on the part of future Irish proprietors. My hon. Friend will bear in mind that it was a fixed conclusion with the Government that at the end of existing leases the tenure should be renewed. But even if that were open to discussion there is a considerable difference between a lease entered into by the landlord and tenant and a lease for the statutory term. It would be a very serious thing if, after the Government said—"We propose to give to the tenant of Ireland a tenancy under the name of a present tenancy," we should now depart from the groundwork of the Bill, and accept the Amendment of my hon. Friend, which would involve, I will not say an absolute breach of faith, but a disappointment of the reasonable expectations which we have encouraged the Irish tenants to entertain. We must, therefore, adhere to the original intention of the Government as expressed in the clause.

Mr. GRANTHAM said, after the observation of the right hon. Gentleman, that it would be defeating the reasonable expectations held out by the Government to the tenants of Ireland, it seemed idle to ask hon. Members to support the Amendment. He was of opinion that it was just this encouraging of expectations which the Government were unable to fulfil that had created much of the difficulty which existed at the present time. Undoubtedly, clauses had been put into the Bill, merely because some Liberal Members said it was necessary to insert them, which, he believed, were neither for the good of the tenants nor of the country. He could not suppose that the Government would accept the proposal of the hon. Member for Hertford (Mr. Balfour); but, at the same time, it was only fair to draw attention to the observations of the Prime Minister when he introduced the Bill to the House. The right hon. Gentleman had, with great emphasis, described this Bill as a temporary measure—a measure to obviate those temporary difficulties in which the country was placed, saying that he hoped for a return to freedom of contract. He thought, under all the circumstances, that rather more consideration should have been shown to the Amendment of his hon. Friend the Member for Hertford.

Mr. CHAPLIN said, he quite approved the Amendment of his hon. Friend the Member for Hertford, inasmuch as it would put a limitation on the principle of perpetuity of tenure sought to be introduced by the Bill; but he had this objection to it, that it did not go far enough. In his opinion, perpetuity of tenure was included in the Bill; and he should listen with great anxiety to the defence of the Government against that charge, and especially to that of the Prime Minister himself, who was pledged up to the eyes against that principle. The question, however, he thought, had better be raised on the Amendment standing in the name of the right hon. and learned Member for Dublin University (Mr. Gibson), which, notwithstanding that it went farther than the Amendment of the hon. Member for Hertford, did not go as far as he would have liked. He ventured to hope that his hon. Friend would take the discussion upon the question raised by his Amendment upon the Amendment of the right hon. and learned Member for Dublin University.

Lord JOHN MANNERS said, the explanation of the Prime Minister was that the statement of the noble Marquess the Secretary of State for India, alluded to by the hon. Member for Hertford, referred to the period when those, who were now tenants, and who, by the assistance of State management, would, sooner or later, become proprietors, should, in their turn, be enabled to let their lands to tenants—and then, said the noble Lord, there would be a return to freedom of contract, and they would cease interfering with the principles of political economy in Ireland. If that were the real explanation of the words of the noble Marquess, the Committee would understand the condition of things about to be established in Ireland. All the present tenants were virtually to be turned into tenants in perpetuity. There was to be no end to the tenure; but, as soon as they were able to become landlords themselves, they could let land to tenants without any of the restrictions now sought to be imposed on present landlords, and exact whatever rent they thought fit. He was compelled to say that the explanation offered by the right hon. Gentleman presented, to his mind, a very unsatisfactory prospect, because the time would come when the same questions which were now being discussed would revive, and that, perhaps, under more aggravated conditions—when the people, whom they were about to assist by State management to become landed proprietors in Ireland, should insist upon exacting from their tenants a higher rent than they were willing to pay.

Mr. GREGORY said, the Amendment had had the good effect of obtaining from the Prime Minister a distinct avowal of the object of the Bill, which was, as he understood, and as, he doubted not, the Committee understood, to create perpetuity of tenure. That was, undoubtedly, the effect of the Bill also, because so long as the tenant observed the statutory conditions he had a perpetual right of renewal, constituting what was called in law a *toties quoties* covenant. He had already protested against the Bill on the second reading, as turning the landlord into a mere rent-charger, while the tenant, in fact, remained the real owner of the estate.

No doubt, he would have to pay rent to the landlord, and fulfil the statutory conditions; but, subject to that, he might deal with the property absolutely as he liked; he might under-let it—[" No!"]—sub-divide it—[" No!"]—bequeath it, leave it among a number of legatees, and create any amount of beneficial interest therein. He hoped his hon. Friend would withdraw the Amendment, as the right hon. and learned Gentleman the Member for the University of Dublin had an Amendment on the Paper which would raise the question in a more convenient form.

SIR STAFFORD NORTHCOTE: No one can doubt that the point raised by the Amendment of my hon. Friend the Member for Hertford, and by that of my right hon. and learned Friend near me (Mr. Gibson), is one which deserves consideration and discussion, because it deals with one of the cardinal principles of the Bill. My hon. Friend the Member for Hertford has raised the question in a form which is rather peculiar, and which he has adopted, not so much because he considers it the best way in which the question could be raised, as because he thinks, in its present form, it is most likely to commend itself to the Government. But we have had such an answer from the Prime Minister as I think disposes of that idea, and shows us that there is no chance of the intermediate proposal of my hon. Friend being accepted by the Government. Under those circumstances, I think we should do better to take the discussion in the form raised by my right hon. and learned Friend the Member for the University of Dublin; and I suggest to my hon. Friend that he should withdraw his Amendment, in order that this may be done. With regard to the period of 30 years, named by my hon. Friend, I fear it is not improbable that at least one or two Irish Land Bills will be presented during that time.

MR. A. J. BALFOUR said, after the expression of opinion which had taken place, he thought the best course he could pursue would be to ask leave to withdraw his Amendment. The Committee had now heard from the Government that they proposed to create perpetuity of tenure, regulated by the action of the Court. That was the first time the admission had been made; and if his Amendment had produced no other effect than to cause the Prime Minister to make that avowal, he thought the time had not been wasted. He begged to withdraw the Amendment. [" No!"]

SIR R. ASSHETON CROSS said, if the Committee went to a division on this Amendment it would be a complete waste of time, his hon. Friend having expressed his readiness to withdraw it. Nothing could be gained by the Government refusing to allow the withdrawal of the Amendment. On the contrary, after they had gone into the Lobby, another division would have to be taken on the Amendment of the right hon. and learned Member for the University of Dublin.

MR. A. J. BALFOUR said, under the circumstances, he was compelled to take a division on his Amendment.

Question put.

The Committee *divided*:— Ayes 57; Noes 161: Majority 104.—(Div. List, No. 289.)

THE CHAIRMAN: The next Amendment is in the name of the right hon. and learned Gentleman the Member for the University of Dublin (Mr. Gibson); but that Amendment I find to be inconsistent with the earlier part of the clause, which enacts that the tenant, either by himself or with his landlord, may apply from time to time to the Court to fix a fair rent. This Amendment would make that application subject to the concurrence of the landlord.

MR. GIBSON: No.

THE CHAIRMAN: Yes; and if no such application be made, then, at the determination of such statutory term, the landlord would be entitled to resume possession of the holding. The Amendment, therefore, is not consistent with the decision which the Committee has just affirmed.

MR. GIBSON said, he must protest clearly that——[" Order!"]

MR. GLADSTONE: Protest!

MR. GIBSON said, he was entirely within his power, and he had a perfect right to speak to a point of Order with regard to his Amendment. He cared not from what quarter interruption came; he insisted upon submitting to the Chairman on the point of Order reasons which, to his mind, were clear, why he should be permitted to move his Amendment. He should, of course, submit to the ruling of the Chairman if, on consideration, the right hon. Gentleman adhered to it. No one would for a moment believe that he (Mr. Gibson) would call in question the ruling of the Chair. He was quite sure that the right hon. Gentleman in the Chair would readily recognize that he would be one of the last Members in that House to call in question for a moment the authority of the Chair; but the right hon. Gentleman, he trusted, would recognize that he was fully within his right in pressing on him, as a matter of Order, that he was entitled to move his Amendment. So far as he understood, the grounds upon which the right hon. Gentleman had ruled him out of Order——

Mr. MITCHELL HENRY rose to Order. He wished to point out that this matter had been repeatedly ruled upon by the Chairman in this very Committee; and after the Chairman had pronounced an opinion with regard to an Amendment being in Order or not in Order, no one had ever been permitted to dispute that ruling. He did not at all see why, on this occasion, the Committee should stultify itself by allowing the right hon. and learned Gentleman (Mr. Gibson) to proceed.

The CHAIRMAN: Of course my ruling is not that of a lawyer, and may, therefore, be subject to the revision of a legal opinion. I should be glad to hear the views of the right hon. and learned Gentleman (Mr. Gibson) as to whether I am right or wrong.

Mr. GIBSON: I will submit to you, Sir——

Mr. MITCHELL HENRY: I must rise to Order. I wish to ask whether the right hon. and learned Gentleman is to be heard because he is a lawyer?

Mr. A. M. SULLIVAN: And I wish to speak also to a point of Order.

The CHAIRMAN: The right hon. and learned Gentleman (Mr. Gibson) is speaking to a point of Order.

Mr. GIBSON: Sir, I will speak to Order, with your permission, and with entire deference to your authority. As I understand it, your ruling rests upon two grounds, and upon two short and narrow grounds; and I shall not occupy the Committee more than a moment in referring to them.

Mr. A. M. SULLIVAN: I rise, Sir, to a point of Order.

The CHAIRMAN: The right hon. and learned Gentleman is in possession of the Committee upon a point of Order.

Mr. GIBSON said, the Chairman had ruled that the Amendment upon the Paper was out of Order for two reasons, both of which were perfectly intelligible. The first was in consequence of an earlier part of the clause which had been passed and affirmed by the Committee, to the effect that a tenant of any tenancy to which the Bill applied might, from time to time, during the continuance of such tenancy, apply to the Court to fix what would be a fair rent to be paid. Well, he ventured to submit that that was not in the slightest degree incompatible with the Amendment which he sought to move here in reference to the drafting of sub-section 7. He did not see the slightest inconsistency whatever, because sub-section 7 of Clause 7 gave special power for an application to be made to the Court only within the last 12 months of the 15 years, and itself took away the tenant's power of applying from "time to time" during the previous 14 years. He did not seek to take that away, but only to qualify it, and to say that, although it might be made, it should be subject to this condition—that it had the consent of the landlord. On the other point the Chairman stated, as far as he could follow his ruling, that the Amendment made just now by the hon. Member for Hertford, and which the Prime Minister would not permit to be withdrawn, was also a stumbling block in the way of his proposal. He was unable, with extreme deference, to see any difficulty at all caused by that, because all the Amendment of the hon. Member for Hertford affirmed was that, at the end of the second statutory term, the then tenant should be a future tenant. That was quite consistent with his Amendment that there might be, if the landlord consented to an application being made in the last portion of the first term, a second term. His hon. Friend sought to deal with this by saying that, assuming there was a second term, then the result would follow that a future tenancy was created.

Mr. ARTHUR O'CONNOR wished to ask whether the Chairman gave his decisions from the Chair in the capacity of a lawyer or in the capacity of a layman?

MR. A. J. BALFOUR said, by his Amendment the tenant would become a future tenant, and there was a great distinction to be drawn between a future tenant and a landlord in the possession of a holding.

THE SOLICITOR GENERAL (Sir FARRER HERSCHELL) regretted to observe that the right hon. and learned Gentleman opposite (Mr. Gibson) had commenced his address with a protest against the action of the Chair; and he was quite sure that that was not what could be considered either desirable, expedient, or proper in any Member of that Committee. He was sure that he could appeal to the right hon. and learned Gentleman, when circumstances necessarily arose in the course of a debate of this description that were sometimes irritating, to assist the Government in keeping the discussion in a vein of good temper. As to the point of Order, the 1st sub-section of this clause provided two things; it provided that a tenant of any present tenancy might, from time to time, alone apply for the fixing of rent; and there was another provision that the landlord and tenant conjointly might apply. Those were two distinctly separate things. A tenant alone might from time to time apply, and a tenant and landlord together might from time to time apply. Now, if the right hon. and learned Gentleman's Amendment were carried, neither could alone from time to time apply, because after the first application a tenant could only do it with the concurrence of his landlord. The right hon. and learned Gentleman now asked that a tenant might not from time to time apply, but should be held to have exhausted his right by making one application, because the subsequent applications could only be made with the concurrence of the landlord. The right hon. and learned Gentleman would therefore see that the Amendment would be inconsistent with the provisions already agreed to.

MR. GLADSTONE: I wish to say one word on the point of Order. I said across the Table that the right hon. and learned Gentleman could not "protest" against the ruling of the Chair, and I adopted that course because I thought it the most courteous and direct method of suggesting that he was using a word that is seldom, if ever, used in this House by a Member of the House against the decision of the Speaker or the Chairman of Committees. I am satisfied that he used that expression in haste, and I had hoped that he would withdraw it; indeed, I even now cling to a hope that he will do so. The expression is one which, for half-a-century, I have never heard from any hon. Member with regard to the decision of the Speaker or the Chairman of Committees.

MR. GIBSON: May I just say one word? The right hon. Gentleman has tried to magnify—["Order!"]—and, from the tone and gesture with which he has just spoken, he has tried to intensify the course I took. I entirely, I hope, Sir, to your satisfaction, and to that of the Committee, explained that I had not the slightest desire or intention of acting in any way disrespectfully to the Chair. Twice over I declared that I should bow with respect to your ruling, if you adhered to your view.

THE CHAIRMAN: I regret that I can only bring considerations derived from common sense to bear upon this question. I have no legal knowledge upon the question; but, from a common-sense point of view, I delivered my opinion that the Amendment could not be put as being inconsistent with the earlier part of the clause. The Amendment cannot be put.

MR. A. M. SULLIVAN: I rise, Sir, to a point of Order——

THE CHAIRMAN: The matter is settled, and cannot be further discussed.

MR. A. M. SULLIVAN: I wish to speak to a point of Order.

THE CHAIRMAN: There is no point of Order before the Committee.

MR. T. P. O'CONNOR: I beg to rise to a point of Order. I wish to ask a question of the Prime Minister.

THE CHAIRMAN: I call upon Mr. Blake to move his Amendment.

MR. BLAKE said, he saw that the hon. Member for Queen's County (Mr. Lalor) had an Amendment to a somewhat similar effect on the Paper; and, therefore, rather than occupy the time of the Committee unnecessarily he would withdraw his proposal, particularly as the Chairman of the Irish Parliamentary Party had told him it would be better to give way to the hon. Member. He would reserve his remarks until the Amendment of the latter came on.

MR. MACFARLANE said, the next Amendment on the Paper stood in his name. On a previous occasion the hon.

Member for County Carlow (Mr. Gray) had moved an Amendment which he (Mr. Macfarlane) had given Notice of; and, referring to that Amendment, the Prime Minister, speaking with regard to arrears, said, that reasonable consideration, which was due to a matter of such great importance, would be given to the proposal. The right hon. Gentleman added that he had no bias on the subject; but, notwithstanding that 10 days had elapsed since that statement was made, and the right hon. Gentleman had had time to give the matter reasonable consideration, nothing had been heard about it. At any rate, he (Mr. Macfarlane) did not propose to move his Amendment on that part of the Bill; but he should be glad to get some assurance from the Government as to the nature of the proposal they intended to make on the subject. His proposal was in these words—

"In the case of tenants who, at the time of the passing of this Act, are in arrears with their rent, and are, in consequence of such arrears, excluded from the benefit of this Act, it shall be competent for such tenants to apply to the Court, and if they can show to the satisfaction of the Court that such arrears are due to an excessive rent, the Court may reduce such arrears by such sum as it may deem equitable under the circumstances, and grant to the said tenants a statutory term, during the currency of which they shall pay up the balance of arrears in such instalments as the Court may direct. In determining what constitutes excessive rent, for this purpose, the Court shall take into consideration the failure of crops from past bad seasons."

Mr. GLADSTONE: Probably tomorrow, or the next day, or, at any rate, in a very short time, I hope that my right hon. Friend near me will be able to lay upon the Table the proposal of the Government with respect to arrears.

Mr. CHAPLIN: Do I understand the right hon. Gentleman to mean that he will announce to the Committee what the proposals of the Government are with regard to arrears before the 7th clause is disposed of? [Mr. Gladstone: Oh, no!] "Oh, no!" Then I shall certainly take whatever I may deem necessary on the matter.

Major O'BEIRNE said, he had an Amendment to offer which he trusted would meet with the favourable consideration of Her Majesty's Government. It was most unjust that the Court should decide hereafter that the rent of a certain estate was to be the same, and that the recipients of rack rents should derive benefit from the rack-rented property. During the last few years the people of Ireland had suffered much hardship from the action of the landlords owing to the landlords being obliged to exact head rents and mortgages, and never allowing the smallest abatement in their claims upon the property. He thought that his Amendment would be considered a fair one, and he begged to move it.

Amendment proposed,

In page 8, after sub-section 11, insert "on estates purchased in the Landed Estates Court, if the rent fixed by the Court shall be less than the gross rental as published under the authority of the Encumbered Estates Court, the Court shall direct a proportionate reduction of all head rents and mortgages chargeable on such estates."—*(Major O'Beirne.)*

Question proposed, "That those words be there inserted."

Lord RANDOLPH CHURCHILL said, he desired to hear some expression of opinion from Her Majesty's Government on this point, as a most important principle was involved. Apparently the right hon. and learned Gentleman the Attorney General for Ireland (Mr. Law) thought repudiation a matter for joking—that Parliament should destroy the value of its own guarantee. As a matter of fact, the whole Government Bench seemed to think that great schemes of public plunder and robbery, or of public and private repudiation, were a laughing matter. What did this Amendment do? It raised the whole question of mortgages and the interest of people who had advanced money to the owners of land in Ireland upon a Parliamentary title. The object of the Amendment of the hon. and gallant Member for Leitrim (Major O'Beirne) was that Parliament should not deliberately step in and destroy the value of its own guarantee, and that the general public should share in the loss which would be inflicted upon people who were not interested in Ireland so far as the land was concerned, but were only interested in it so far as the money they had advanced upon it was concerned. The proposal appeared to him to be a reasonable one, and though, no doubt, it was not one that the Conservative Party would vote for by itself, they must remember that, owing to the Radical majority in this House, they had accepted the principle of this Bill; and it was necessary now to extend equal justice to all who would be affected by the measure. No doubt the mortgagees had as close an interest in this Land Bill, and in the details of it, as the landowners themselves. It seemed to be a subject of immense amusement to the Treasury Bench that the mortgagees should consider themselves interested in this matter; and it was, no doubt, thought that they had no claim to the protection of the State any more than to the protection of the Government. What was the proposal which was contained in the hon. and gallant Member's Amendment? It was that where the action of the Court diminished the value of a property—the Court set in motion by the Legislature—that those interested in the property *pro tanto* should not suffer. If they threw a stone into a pond the ripples went circling round and round; there was no limit to them; there was no end to the ripples which went on, and on, and on, until every part of the water was affected. In the same way this matter was brought home to English merchants, and English capitalists who had advanced money on property in Ireland through the Landed Estates Court in consequence of their having been such fools as to believe in the British Parliament. He asked the Committee not to let the Government treat this as they had treated the labourers' question, and the question of arrears, upon which they said they had proposals to make. He did not believe that the Government had any proposals to make on those matters.

MR. GLADSTONE: I rise to Order. I wish to ask whether after a Member of this House has just stated in his place that he has a proposal—that is to say, that his Colleague has a proposal to make to-morrow or the next day with regard to arrears—I wish to ask whether the noble Lord is to be permitted to say that he believes the Government have no such proposal to make? He thus attributes to me directly, and to my Colleague by implication, the statement of a falsehood.

THE CHAIRMAN: If the noble Lord referred to the statement which the right hon. Gentleman the Prime Minister made a short time ago, he is distinctly out of Order in saying that he disbelieves the assertion.

LORD RANDOLPH CHURCHILL: With all respect, I stated no such thing. The Prime Minister, with his usual impetuosity, interrupted me before I had finished my sentence. What I was going to remark, if the right hon. Gentleman had allowed me to finish, was that I did not believe that the Government had any proposals to make on the subject of labourers, or on the subject of arrears, that would be satisfactory to the Committee. If the right hon. Gentleman had permitted me to finish my sentence he would not have found it necessary to call upon the Chairman for a ruling in this matter. What I was going to say was that I believed that the proposals of the Government, such as were referred to by the right hon. Gentleman, would be quite unsatisfactory, and I would therefore urge upon hon. Members not to allow this matter to be dropped, but to require the opinion of the Committee to be taken upon it—upon this question which affects the capitalists, merchants, insurance offices, and bankers in this country, who have advanced hundreds and thousands of pounds on Irish estates on titles granted by Parliament, which, until the Prime Minister came into Office, they expected would hold good.

MR. GLADSTONE: I have great pleasure in complying with the demands of the noble Lord (Lord Randolph Churchill). With regard to what occurred just now, it seemed to me that he had finished his sentence; and that opinion, I think, was not exclusively confined to one side of the House. ["Oh, oh!"]

EARL PERCY: I rise to Order. I wish to ask, Mr. Chairman, whether the Prime Minister is in Order in asserting that the noble Lord who sits near me (Lord Randolph Churchill) had concluded his sentence, and that that is his opinion, and an opinion not confined to one side of the House, when the noble Lord distinctly states that he had not concluded his sentence?

THE CHAIRMAN: As I understand the Prime Minister, I see nothing out of Order in his statement. The right hon. Gentleman has said that he understood the sentence to be finished, and I must certainly say that I understood the same. The right hon. Gentleman stated that such was his opinion, and he did not think that opinion was exclusively confined to one side of the House.

MR. GLADSTONE: I still retain the opinion which I expressed. However, the noble Lord has made his own statement to the Committee, and he has requested me to reply to a query which he has put. I rise to meet his desire that Her Majesty's Government should express an opinion upon this Amendment. I can express that opinion in one sentence. We are opposed to the Amendment, and we are opposed to it because it seems to us to lie outside the range and scope of the Bill.

Mr. A. M. SULLIVAN said, that, judging from the language of the noble Lord, and from the tone and temper of the Prime Minister, it was evident that the heat of the atmosphere out-of-doors was having some effect upon the proceedings of the Committee. The hon. and gallant Member for Leitrim had put into his Amendment a phrase which was very misleading. He spoke of the gross rental as published under the authority of the Encumbered Estates Court. Of course, he meant the Landed Estates Court; but that Court had nothing to do with the rental, and the phrase in the Amendment would lead the Committee to suppose that the Court in some way endorsed or approved rents. The Court had nothing to do but to put down the figures sent in by the landlord, and the proposal of the Amendment was this—the most mischievous transactions which took place in Ireland would be covered by the Amendment; the jobbers, the knackers, and the butchers would go into Court to buy up property, and then sell it at a high rental. Every Irish gentleman knew that the miseries of the Irish tenantry were due less to the old proprietors in the country than to this class of people.

Mr. CHAPLIN said, he understood the right hon. Gentleman to say the Amendment was entirely outside the scope of the Bill; but he thought he could give the right hon. Member many possible and even probable cases under the Bill which would show clearly that the whole question of mortgaged estates in Ireland would necessarily be raised under this Bill. They had given power to the Court to reduce the rent entirely at its own discretion. He would take the case of estates in Ireland, which at the present moment were mortgaged, as the phrase went, up to the hilt; and he was sorry to say there were numerous cases of that kind in Ireland at the present time. Suppose the Court reduced the rent to such an extent that there was not enough money left even to pay the charge on the mortgage. Did the right hon. Gentleman mean to say that that was an impossible case, and entirely beyond the scope of the Bill? If he did, he took a far more sanguine view of the case than he himself could. He had heard men who were well acquainted with Ireland declare that the action of the Court under this Bill would be to reduce the rents throughout Ireland; and, if so, was it not true that the whole question of mortgages must come under the view of the Court, and, therefore, absolutely within the scope of the Bill? He wished to make one or two remarks upon questions which had arisen, and he should move to report Progress, much as he regretted adopting a course which he admitted was somewhat unusual. A question was raised as to arrears, and the course which the Government intended to take, and the right hon. Gentleman fairly stated that within a day or two he would inform the Committee of the views of the Government upon this question; but, in answer to a question this evening as to whether that would be done before Clause 7 was disposed of, the right hon. Gentleman said, certainly not. That was only one question which had been postponed; other questions had been postponed of not less interest to hon. Gentlemen on that side of the House. The question of leases had been also postponed ——["Question, Question!"] He was strictly in Order in alluding to this question, because it was not fair or right to ask the Committee to give the final decision that this clause, as amended, stand part of the Bill, while they were left in ignorance with regard to a question which came directly under that clause. They were told the other night that the question of labourers' rights and cottages must be postponed; but there was another question to-night with regard to which he wished to make an inquiry, and it was mainly for the purpose of doing so that he moved to report Progress, because he did not know when, under all the circumstances, he would be able to raise the point again. The whole question of perpetuity of tenure was raised by an Amendment which had been ruled out of Order. He would not question that ruling; but he wished, with great respect, to remind the Chairman of one thing. The Chairman had invited hon. Members to express their opinion on a point of Order, and he was about to remind the Chairman of a matter by which he thought the Chairman would have been influenced. The Chairman ruled him out of Order in endeavouring to raise this question on the question that Clause 4 stand part of the Bill. What happened? The right hon. Gentleman rose and said the question would be better not raised on the Amendment which stood in his (Mr. Chaplin's) name. The Chairman had acquiesced in that, although he supposed that was as legitimate and regular an opportunity for making the observations he desired to make. He could say more upon the point of Order; but it would be out of place after the Chairman's ruling. But what was his position; and when was he to raise this question? When was he to ask the right hon. Gentleman to vindicate the statements he had made in regard to circumstances or facts on great principles of morality and justice, which were eternal? When he had been ruled out, by the Amendment of the right hon. Gentleman being ruled out of Order, he was entirely precluded; and he wished to ask the Government whether, before this clause was put to the final decision of the Committee—this clause in which such vital questions were included—they would give hon. Members a fair opportunity of discussing the question of leases and arrears, of sub-tenancies and perpetuity of tenure, because he was bound to say that if the Government did not give such an opportunity there would be only one conclusion to be come to by the Committee and the country, and that was that the Government were evading questions which they did not care to face. The right hon. Gentleman had said the other night that they all had a sacred duty to perform in promoting the progress of the Bill. There might be differences of opinion, and he desired to say nothing as to the other side of the House; but they on his side also had a sacred duty to perform, and that was to maintain and uphold principles which had been held and considered to be sacred for 1,000 years, and to vindicate the rights of property which were assailed in this Amendment in a manner in which, he ventured to say, they never before had been assailed in the House of Commons.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Chaplin.*)

MR. GLADSTONE: The hon. Gentleman admitted that he had taken a course which was unusual. It certainly has been a proceeding which is unusual in this House; but I am sorry to say I do not think it is very unusual to the hon. Member, because, unless I am much mistaken, he has done it three times within the last week. I cannot make an answer to the hon. Gentleman's speech without again entering my protest against the mode of procedure to which the hon. Gentleman seems so much attached. It is, I think, most unfortunate, and it is quite unusual as he has said, and I deem it highly injurious to the public interest. I will say that the hon. Member for Mid Lincolnshire has now, I think, an opportunity of discussing what he calls perpetuity of tenure. This is exactly the place where it should be discussed, and when I heard the animated close of his speech I thought he intended to deliver a speech on that subject of a very elaborate character. The hon. Gentleman makes four demands. I am very sorry I can accede to only one of them; but one of them I can put out of the way. He demands that before Clause 7 is disposed of he shall have an opportunity of discussing leases, arrears, sub-tenants, and perpetuity. With regard to leases, I am afraid it is totally impossible for me or any human being to give him that power, because I apprehend that the question of leases, being dealt with in a subsequent clause of the Bill, it would be entirely in violation of the fundamental Rules of Committee that we should discuss it now. With regard to arrears, I must represent to the hon. Gentleman that the very grave matters contained in this clause form a sufficient burden for us to carry, and that the question of arrears is not necessary to, and has no natural connection with, this clause. It is a distinct and different question, to which we are anxious the Committee should give a dispassionate consideration, and which we shall do our best to put in such a shape that it will be well understood. With regard to sub-tenants, I conceived we had entirely disposed of that, because we stated, and it is most distinctly known to the authors of the Bill, and perhaps to those who have closely studied it, that the Bill is in favour of sub-tenants. Undoubtedly, when we say the tenant all through the Bill, we mean also the subtenant. That is to say, he who is the occupier of the soil. Then, with regard to perpetuity of tenure. That was raised on the Amendment of the hon. Member for Hertford. It is clearly involved in the principle of the clause. By all means let us proceed with the question, and not waste further time on the Motion for reporting Progress.

SIR STAFFORD NORTHCOTE: I think the last observations of the right hon. Gentleman show the inconvenience of the position into which we have been brought. There is no doubt that this question of perpetuity of tenure can eb, and will be, discussed on the Motion that this clause stand part of the Bill; but I would point out that this clause, although it does, undoubtedly, contain the principles of perpetuity of tenure, contains, also, a good deal of other matter; and it might happen that those who desire to differ from the provisions of the clause as to tenure might be unwilling to vote against the clause as a whole on account of the other portions. Therefore, it seems to us that it would have been a great deal fairer that we should have been allowed to take the question of perpetuity of tenure, which has never been discussed, and which we were shut out from even on the second reading, because we were told there were so many other matters to be dealt with that we could not deal with that question alone. It would have been more convenient and better if we could have taken that question by itself and challenged the opinion and decision of the Committee upon it. When we came down to the House this evening we thought there were two Amendments on either of which it would be possible to raise the question — namely, the Amendment of the hon. Member for Hertford (Mr. A. Balfour), and that of my right hon. and learned Friend (Mr. Gibson). The hon. Member for Hertford had precedence, and brought forward his Amendment; but in the discussion which took place upon it, it was intimated by several hon. Members who spoke on his own side that it would be desirable and preferable to take the discussion on the Motion of my right hon. and learned Friend, and so strongly was that opinion felt that my right hon. and learned Friend and others who generally took part in these discussions abstained from taking part in that discussion, because they avowedly reserved themselves for the subsequent Amendment. What happened? Although we have avowed our preference for the other Amendment, and although we were reserving ourselves for it, we never had a hint, or suspicion of a hint, from hon. Gentlemen opposite that that Amendment could not be put. They gave us no guide or hint on the subject, and they told us—well, we are so particular now in our language that I hardly know what to say, but they said this was an inconvenient question; and when the hon. Member for Hertford offered to withdraw his Amendment they refused to give him permission, and that was fatal to my right hon. and learned Friend. One reason you, Sir, gave for not allowing the right hon. and learned Gentleman to proceed was that the question had been decided on the Motion of the hon. Member for Hertford, which had been negatived. If my hon. Friend had withdrawn his Amendment that difficulty would not have arisen. Now we must do the best we can, as we are thrown back on the discussion of this clause; and although, in one sense, the Government think they saved time, I very much doubt that, because there are so many points which have been left in an unsatisfactory position. This is one not only of great complication, but which touches so many interests that it is almost impossible, especially on this clause, to restrain or limit the debate upon it. I hope my hon. Friend will not persevere with the Motion to report Progress, and that it may be withdrawn without the labour of walking through the Division Lobby; but I think it is not unfortunate that the hon. Member has given us an opportunity of saying where it is that the shoe pinches in this matter. We cannot discuss this important question of perpetuity of tenure by itself, but with the whole clause, and so the Committee have to deal with it, together with other matters. One word with reference to the point which was before the Committee when the hon. Member made his Motion. I think it is impossible that we could accept such an Amendment as that at the present time, or, indeed, at all; but I would point out that the negativing of that Amendment does not at all dispose of the difficulties which were raised, and which the hon. and gallant Member for

Leitrim perceives, as to the effect this Bill may have on the position of landowners with charges upon their estates generally. That is a matter we shall have to discuss before we part with this Bill; and although I do not think this a convenient time to discuss it, I think we shall find that it will be necessary to take some decision upon that point.

LORD RANDOLPH CHURCHILL observed, that while he thought, after what had fallen from the right hon. Baronet (Sir Stafford Northcote), the hon. Member would not be justified in pressing the Committee to divide, he believed that any impartial man who had followed the discussion on this Bill closely would admit that the hon. Member was justified in making the Motion. The hon. and gallant Member for Leitrim —who was not a foreigner, but was, he believed, a Home Ruler—had raised a question which involved a great principle, and he (Lord Randolph Churchill) had endeavoured to elicit the opinion of the Government upon it. But the Prime Minister only said he should oppose the Amendment, and vouchsafed no opinion upon it. He had said if they were in for repudiation, they had better bring it in all round; but the Prime Minister said that was not in the scope of the Bill, and declined to admit repudiation in the Bill when they came to English mortgages. What was the position in regard to a great many questions of this kind? With regard to leases the Committee were in the dark.

THE CHAIRMAN: On a Motion for reporting Progress the noble Lord cannot discuss a clause which is in the future.

LORD RANDOLPH CHURCHILL replied that he was not doing so; and if the Committee would have patience for two minutes they would see that. He was not discussing a future clause, but the conduct of the Government a short time ago, in order to show the difficulty in which hon. Members were placed who opposed on general grounds the proceedings of the Government. When they asked the Government for explanations on vital points they deferred explanations, and simply said they would give them some day or other; and they had not made up their minds on the question of leases. Last week the Government had an Amendment on that point, and said nothing should induce them to give way on the question of leases; but the morning after that declaration, down came the Prime Minister, saying there was a great deal in the arguments of the hon. Member for the City of Cork (Mr. Parnell) and his Party, and that the leases which he had himself invited the Irish landowners to conclude, under the Act of 1870, should be repudiated by him. He did not think there was a Member of the Committee who had watched the Bill with greater interest than he had, or followed its windings and the tergiversations of the Prime Minister, who one night refused to upset the leases, and next day was ready to repudiate them.

MR. A. MOORE rose to Order, and asked whether the noble Lord was entitled to discuss leases on a Motion to report Progress?

THE CHAIRMAN: I understand that the noble Lord is referring to something which is past, and not to a future clause.

LORD RANDOLPH CHURCHILL said, the hon. Member was no doubt right as to a discussion of leases; but he was pointing out why the hon. Member for Mid Lincolnshire thought the Committee could not proceed further on this question. The Government had treated the Committee in a very extraordinary manner, for what had they done? The moment an Amendment was moved by the hon. Member for the City of Cork (Mr. Parnell), which completely destroyed the little value the clause had to the landlords, the Government said they thought it was a perfectly fair Amendment on the part of the hon. Member for the City of Cork, and accepted it, the consequence being that the clause, which otherwise preserved a little something to the landlords in Ireland, was destroyed.

THE CHAIRMAN pointed out that the noble Lord was discussing a matter that had already been decided by the Committee.

LORD RANDOLPH CHURCHILL said, he was drawing attention to the conduct of the Government with respect to the Amendment of the hon. Member for the City of Cork. The Government, he said, had refused to give hon. Members on that side of the House who were interested in the Bill any explanation with reference to minor points regarding these clauses; and he was merely pointing out with respect to the questions of leases and labourers and mortgages, and this question of perpetuity of tenure, that the Government had, in point of fact, jockeyed the Committee. ["Order!"] Hon. Members called "Order;" but the expression was one that was well known in that House, and that accurately expressed the conduct of Her Majesty's Government.

Sir GEORGE CAMPBELL rose to Order. He wished to know whether the noble Lord was in Order in saying that Her Majesty's Government had "jockeyed the Committee?"

The CHAIRMAN: I cannot say that the expression is an un-Parliamentary one; but I think it undesirable to use such a term, because it is calculated to raise heat in discussion.

Lord RANDOLPH CHURCHILL said, in the speech in which the right hon. Gentleman the Prime Minister had introduced the Bill, he had stated that he was guided by the divine light of justice, and that, while guided by that divine light, he could not err. Well, all that he (Lord Randolph Churchill) could say on that matter was that the divine light spoken of by the right hon. Gentleman had glimmered with a most feeble ray.

Sir PATRICK O'BRIEN said, that he, in common with almost every Member of the House, was anxious that the Bill then under discussion in Committee should be passed, and that it should be passed as rapidly as possible. He did not think that speeches such as that they had just heard from the noble Lord the Member for Woodstock tended to contribute towards that result, nor did he think that to move at half-past 10 o'clock that the Chairman report Progress on a Bill of so much importance was the way in which a great Constitutional Party ought to deal with such a question. Perhaps it did not lie in his mouth, as he did not happen to belong to the Conservative Party, to allude to the mode in which hon. Gentlemen opposite were proceeding in regard to this great question; but he might say that there were many hon. Gentlemen in that House who were well aware of the number and importance of the tenant farmers in this country; and he believed that when those tenant farmers came to read in the papers on the following morning the proceedings in the House of Commons that night, they would be inclined to ask themselves why it was that the exciting speeches to which the Committee had just been treated had been made on a question of such importance, and one in which many hon. Members took so much interest—namely, that of the rent to be fixed in cases of estates purchased in the Landed Estates Court. It was within his memory that much feeling was excited at the time when men in Ireland with estates at 10, 12, and 20 years' purchase had to hand over to the mortgagees their property, and thereby became little better than beggars in Ireland, their successors being those hon. Gentlemen who had been the subject of so much eulogy from hon. Members opposite. So much for the Amendment that had preceded the Motion to report Progress. But his object in rising had been to caution hon. Gentlemen opposite. ["Order!"] In reply to hon. Gentlemen who called "Order," he was not aware that he was out of Order. Those hon. Gentlemen had constituents in various parts of England who would watch their conduct on this question. He was here speaking of the great mass of the English farming interest, who would eagerly scan the proceedings of the hon. Gentlemen opposite; and it was essential that those who wished to maintain their old position as the great country Party should see that their position in that House would not be improved by their becoming a kind of faction to prevent the progress of a measure of the greatest importance, not only to Ireland, but to the Kingdom at large.

Mr. CAVENDISH BENTINCK said, the hon. Baronet who had just resumed his seat could not have been in his place during the discussion of the Amendment of his hon. Friend the Member for Hertford (Mr. Balfour), or he would have known that the scene they had lately witnessed, very much to his (Mr. Cavendish Bentinck's) regret, had been entirely the fault of Her Majesty's Government. At any rate, the light of common sense had not deigned to shine very strongly on the course the Government had taken with regard to this question. What, he asked, were the facts? The hon. Member for Hertford had moved an Amendment, which, after its rejection, was immediately ruled by the Chairman to have superseded the Amendment that succeeded it on the Paper—namely, the Amendment of his right hon. and learned Friend the Member for the University of Dublin (Mr.

Gibson). Her Majesty's Government must have been prepared to contend that the Amendment of his right hon. and learned Friend was out of Order, because the hon. and learned Solicitor General, who, he supposed, represented the other legal luminaries who adorned the Treasury Bench, had just risen in his place and given reasons—good reasons, as he thought—why that Amendment was out of Order. Now, he (Mr. Cavendish Bentinck) wished to put a question, as an old Member of that House, to Her Majesty's Government, and the question he desired to asked was this—if such really had been the opinion of the Treasury Bench, why did they not say so while the Amendment of the hon. Member for Hertford was before the Committee, and why had they led the Committee to suppose that this Amendment might be negatived as a matter of course, and that then the question could be discussed on the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin, and the Government were the more to blame, because his hon. Friend the Member for East Sussex (Mr. Gregory) had actually said he would not pursue his argument on the first Amendment, because the matter would be in a position to be discussed in full when the second Amendment came on? Therefore, his (Mr. Cavendish Bentinck's) contention was, that if there had been an interruption of the progress of the Bill, that interruption was entirely owing to the fault of the Government. He did not wish to make any reflections on anyone; but he felt bound to say this—that they had seen a great number of changes of opinion on the part of the right hon. Gentleman the Prime Minister, and those who had sat in that House for a few years were well aware of the different styles he adopted as a politician. But the right hon. Gentleman, with all his experience, did not seem to have yet learned that the best way of treating an Opposition—an Opposition largely composed of English Gentlemen—was to deal with them fairly and frankly, and to offer, when needed, such straightforward expressions of opinion as the opportunity might call for.

MR. GLADSTONE said, he did not think he should have improved on his own method by adopting that of the right hon. and learned Gentleman the Member for Whitehaven (Mr. Cavendish Bentinck), who had just spoken, and who had said that the Opposition was largely composed of English Gentlemen—a statement which accounted, in a very disagreeable manner, for that portion of the Opposition which was not so composed. The right hon. and learned Gentleman had said that he (Mr. Gladstone) was a very different politician from what he was when he entered those walls. All he could say in reply to that was that during the entire period since the right hon. and learned Gentleman had entered that House he had been the object of his unqualified and unmitigated censure. With regard to the question the right hon. and learned Gentleman had raised as to the Amendment of the right hon. and learned Gentleman the Member for the University of Dublin, the case, as far as he knew it, was this—the Amendment of the hon. Gentleman the Member for Hertford had not, in his opinion, any connection with the putting of that of the right hon. and learned Gentleman out of court. As far as he understood it, it was the opening up of a question affecting the 1st clause which had put that Amendment out of court.

MR. CAVENDISH BENTINCK desired to remind the right hon. Gentleman (Mr. Gladstone), in reference to what had fallen from him (Mr. Bentinck) with regard to the composition of the Opposition, that many Irish Gentlemen, and also a few Scotch Gentlemen, were to be found in the ranks of the Opposition.

MR. CHAPLIN said, he must apologize to the Committee for the Motion he had made. The right hon. Gentleman the Prime Minister had been kind enough to vindicate him from the charge of doing anything unusual in making that Motion, on the ground that he had already done the same thing within one week. This, however, was a slight exaggeration on the part of the right hon. Gentleman. He might, however, say, with regard to the motive that had induced him to make the Motion that the Chairman should report Progress, that it was entirely due to the conduct of the Government during the proceedings on this Bill in Committee, which had been such that it was only by making Motions of this kind that the Opposition had, on more than one occasion, been able to extract any information from the right hon. Gentleman the Prime Minister. Why, even up to the present time, the

Government had not defined what the interest of the tenant was—what it was that he was to be allowed to sell. But he had no desire to enter upon a discussion of that point at that juncture. The right hon. Gentleman the Prime Minister had, however, pointedly invited him to enter into a discussion of the question of perpetuity of tenure, for which he had said this appeared to him to be the most fitting and appropriate moment. As the right hon. Gentleman had invited him to enter on this course, he presumed he should be strictly in Order in so doing. He did not think the right hon. Gentleman would have invited him to take a course that was out of Order, and, that being the case, he would proceed to discuss the question. [Mr. Gladstone: No.] The right hon. Gentleman said "No!" but he must remind the right hon. Gentleman of what he had said. He had said—"I wonder that the hon. Member does not do it now." If he were in Order he would proceed with the discussion; and he certainly quite shrunk from the imputation of the right hon. Gentleman that what he (Mr. Chaplin) had to say on the subject was already exhausted. He was entirely in the hands of the Chairman. ["Divide!" "Order!"]

Mr. GORST asked whether the loud cries coming from the other side of the House were not un-Parliamentary?

The CHAIRMAN called on Mr. Chaplin to proceed.

Mr. CHAPLIN said, he was entirely in the hands of the Chairman and the Committee, and if he were in Order in discussing the question of perpetuity of tenure, he was most anxious to do so; if not, he would sit down. He awaited the instruction of the Chairman.

The CHAIRMAN said, he understood the right hon. Gentleman the Prime Minister to have suggested that it would certainly be appropriate, when the Question was put that Clause 7 stand part of the Bill, to discuss the point referred to by the hon. Gentleman.

Mr. CHAPLIN said, the right hon. Gentleman had certainly said he wondered that he (Mr. Chaplin) had not discussed the question before. If it was not the wish of the Committee that he should discuss the question then, though he certainly thought it was, he would desist; but he should like to ask whether or not it was in Order to do so?

The CHAIRMAN: It would certainly be inconvenient and irregular to do so on the Motion for reporting Progress.

Mr. CHAPLIN: Under those circumstances, I shall not proceed; and I will, with the permission of the Committee, withdraw my Motion.

Motion, by leave, *withdrawn.*

Major O'BEIRNE said, he would, with the permission of the Committee, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Mr. LALOR moved, in page 8, line 27, after sub-section 11, to insert the following sub-section:—

> "Where the tenant of a present tenancy, the rent of which has been fixed as a judicial rent, either by the Court or by mutal agreement between landlord and tenant, applies to the Court for an alteration of rent at the termination of the statutory term, the Court shall have power to fix a rent for the next statutory term: Provided, That in fixing such rent the Court shall not take into account the present state of the farm at the time being, but only take into account the prices of the farm produce, hereinafter designated, at the time when the first judicial rent was fixed, as compared with the average prices of the same description of farm produce during the whole period of the latest previous statutory term;
>
> "And if the value of the farm has decreased in proportion and in consequence of the fall in prices of the same description of farm produce, hereinafter designated, then the difference between the present value of the farm and the rent fixed for the first statutory term shall be ascertained, and half the amount so ascertained shall be deducted from the present rent, and the rent so fixed shall be the judicial rent during the next statutory term. But if the prices of the same description of farm produce, hereinafter designated, shall have increased, and in consequence the value of the farm has proportionately increased, then half the amount of such increase shall be added to the present rent, and the rent so fixed shall be the judicial rent during the next statutory term;
>
> "And at the end of each succeeding statutory term for the future, the tenant of every present tenancy, and the tenant of every future tenancy shall, on application to the Court, have the judicial rent fixed during the ensuing statutory term on the same principle and in the same way as in the foregoing sub-section;
>
> "For the purpose of fixing in future, at the end of each statutory term, what shall be a fair rent for a tenancy during the next succeeding statutory term of said tenancy, the Land Commission shall appoint a competent person, who shall be an officer under the control and direction of said Land Commission, to ascertain what has been the average wholesale prices in Dublin of the following farm products during every week of the time between the first of May, one thousand eight hundred and eighty, and the

first of May, one thousand eight hundred and eighty-one, namely:—

Wheat, at per stone of fourteen pounds.
Oats ,, ,, ,,
Barley ,, ,, ,,
Beef ,, ,, ,,
Butter ,, ,, ,,
Mutton ,, ,, ,,
Wool ,, ,, ,,
Pork ,, ,, ,,

And the prices so ascertained shall be registered in a book for that purpose, and preserved in the office of the Land Commission, and a copy of the same shall be forward to, and preserved in, each of the County Land Courts of Ireland;

"And it shall be the duty of the said officer of the Land Commission to ascertain during every week for the future, commencing from the first day of May, one thousand eight hundred and eighty-one, what may be the average wholesale prices in Dublin of the afore-named farm products;

"And the prices so ascertained shall be registered in a book for that purpose, and preserved in the office of the Land Commission;

"And at the end of every succeeding year, from the day on which the first entry shall be made, the average of such prices shall be ascertained for the entire period of such year, and entered at the end of each year's account;

"And a certified copy of the entries in said book shall be forwarded to, and preserved for use in, each of the County Land Courts in Ireland."

The question was on what data would the Court decide on fixing the rent, at the end of the statutory term for the next statutory term. One effect of the Bill, as it stood, would be that if the tenant did make improvements as the term of his tenancy was about to expire he would allow the improvements to run out in order that the land should be in as bad a state as possible when the Court was about to make the valuation for the next term. Nothing could be more injurious to the interests of the land, and his Amendment was intended to meet such a state of things. Hitherto the landlord had insisted on the right of adjusting the rent in proportion to the increase of prices; but he did not allow the tenant to have a right to any portion of the improvement; he took the whole value of the rise in the price of produce for himself. Nothing in the world could be more unjust than that. The produce that he (Mr. Lalor) wished to include in this Amendment consisted of the products generally cultivated in Ireland—not only agricultural products, but beef, and mutton, and eggs, and butter. All these things taken together were really the commodities that regulated the value of land in Ireland, and the only improvements which supplemented them, and which alone the landlord could fairly claim to have any right to, were such as sprang from the increase in the number of houses built, and the consequent increase in the size of villages and towns. If some such proposal as this were not accepted the landlord would be enabled to act like a dog in the manger; and if the industry of the people were obstructed there would be no means left of raising the condition of the Irish people. But if, on the other hand, the people were allowed to have full and free play for their industry they would cultivate their land properly and improve their farms rapidly. The people who ought to be helped were not those who had been idly spending the money of the tenant how and where they chose, and who had prevented all development of industry in Ireland, and robbed the tenantry of their rights—it was not these, but the Irish people themselves, who should be assisted by this legislation. He had tried to make the matter as clear as he possibly could to Her Majesty's Government, and he was thoroughly convinced that the adoption of this proposal would be the means of saving future litigation by adjusting the rent on the only satisfactory basis without injury either to the landlord or to the tenant. The hon. Gentleman concluded by moving the Amendment of which he had given Notice.

Question proposed, "That those words be there inserted."

Mr. GLADSTONE: I should like to point out that what the hon. Gentleman proposes to do forms no part of the main argument, nor, I suppose, of the main purpose of the clause. The main purpose of this long Amendment, so far as I can understand it, is to lay down this principle—that the rent from one statutory term to another may vary, but only according to the variation in the prices of produce, by a rule constantly fixed. The prices of produce, no doubt, will be a very great element indeed in guiding the judgment of the Court when they proceed, after the expiration of one statutory period, to consider one rent to be fixed for another; but I hold it to be quite impossible to lay down beforehand for the whole of Ireland, on the principles of absolute justice, one rule founded on the price of produce, which will be as different as possible in its application to different parts of the country, accordingly as each particular district grows one description of produce or another. At the same time, I freely make this concession to the hon. Member—that this question of the price of produce is a very important one; but the appreciation of this very important element must be left to the judgment of the Court. When it is so left, the prices of produce will be adduced before the Court, but only with reference to the particular holding, and with reference to what is produced upon that particular holding, so that you will get a valuable and really practical application of the principle of the hon. Member. It is not in his power to make any consistent application of his principle that could fairly be applied to all the holdings all over Ireland, and I am not prepared to admit that the variation in the prices of produce is the only element to be taken into consideration. Only to refer to a very few others, there is the price of labour; and, on the other side, the Court may have to take into consideration the improvements in machinery. In truth, there are a very large number of elements to be taken into consideration, the whole of which must be left to practical men and to the judgment of the Court.

Mr. PARNELL said, he thought that a good deal of the criticism of the Prime Minister was fair. It was, undoubtedly, a very difficult thing to set down beforehand a number of articles of produce by the prices of which the Court were to be bound in estimating a fair rent and future revisions of rent. At the same time, one of the weak points of the Bill—and a weak point which would greatly influence the minds of the tenantry in considering the benefit likely to be derived from the Bill—was the vagueness of the instructions to the Court—so far, at all events, as the valuation was concerned at the expiration of the first period of revision. It had always seemed to him that one of the chief difficulties in vâluing rents was the ascertaining of a fair rent to start with; but if once they could succeed in ascertaining a fair rent to start with there ought to be no practical difficulty in ascertaining it at the end of the period of revision, or at the end of the statutory term. He thought it would be well to adopt some Amendment in the direction of that proposed by the hon. Member for the Tower Hamlets (Mr. Bryce). There was, undoubtedly, a great dislike on the part of the tenants to have the valuator cross their boundaries. They could not prevent the valuator from crossing the tenant's boundary in order to ascertain the initial rent; but if the tenant were told that, the initial fair rent having once been ascertained, no valuator would ever again cross his boundary, that would give him a confidence in the future working of the Bill which he could not otherwise possess. Undoubtedly, as the clause stood at present, the Court would have to inquire into the future condition of the holding in estimating the fair rent at the end of the first period of revision, and there was nothing more difficult than for the tenant to show what improvements he had effected in his holding. He (Mr. Parnell) would like to see some provision framed which would appeal to the senses of the Irish farmer, and give him some assurance that his improvements would be held sacred from the landlord's touch, and that everything that the tenant might do to his holding in the future, and by which he might make two blades of grass grow where only one grew before, would be for his own benefit, and not for the benefit of his landlord. He (Mr. Parnell) entreated the Prime Minister to consider whether some clause might not be framed in regard to this question of the revision of rents at the end of the first statutory term which would give the tenant an assurance that his improvements would be sacred to himself, and that the value which he added to his holding would not go to his landlord, either directly or indirectly.

Sir GEORGE CAMPBELL said, he was very much inclined, from the experience he had gained in India, to agree with the principle laid down by the hon. Member for Cork. No doubt it was impossible to adopt the present Amendment in the form in which it was proposed; but the Amendment of the hon. Member for the Tower Hamlets (Mr. Bryce) contained a principle which he was much inclined to accept. He hoped that before they got to the end of the first statutory term of 15 years it might be done; but it was impossible that the principle of this Bill could be properly elaborated before the Bill passed this Session.

Mr. BLAKE wished to remind the Prime Minister that he had not dealt with one very important point—namely, the great probability that existed that the price of certain articles of produce—wheat and meat being among the most important—would fall considerably before the end of the first statutory term. Anyone who had studied the question of American produce could come to no other conclusion than that within the next six years it was almost certain that the cheapness of American breadstuffs and meat would largely bring down prices both in England and Ireland, and certainly not permit the farmer to pay the same rent that he did now. American wheat could be delivered in large quantities in Liverpool at 35*s.* per quarter; and the English farmer, if he were to continue to pay his present high rent, could not sell his wheat for less that 45*s.* per quarter, while the Irish farmer, making allowance for lower rents and less taxation, would require at least 40*s.* per quarter. It was certain that the butcher could not pay less than 7*d.* per lb. to the farmer for dead meat, if the farmer was to pay his rent and live; but in the White Star Line steamer in which he (Mr. Blake) had travelled from America, the contract for the best meat, taking the whole carcase, was 4*d.* per lb., and that meat could be delivered in Liverpool with a fair profit to everyone at 5*d.* per lb. It was perfectly manifest then that the price of certain kinds of produce of the United Kingdom must come down, and rents should fall with them. Another important consideration was that, independent of supplies from the United States and elsewhere, very large quantities of breadstuffs and meat were likely to be brought from Canada. In the North Western territory alone there was one wide tract, 1,000 miles long and 300 wide well suited for wheat, stretching from Manitoba to the Rocky Mountains, as well as other large tracts of country on each side of it four times as large as England, suited for the production of meat, and they could depend on getting from Canada all the corn and meat they could consume four times over. He earnestly besought the Government to consider what would be the effect of prices falling in the way he had suggested. It would produce over again the same unhappy effects that had been seen in Ireland, and unless something was done to have more frequent periodic revisions of rent in the event of a fall in certain descriptions of produce, particularly cattle and corn, there was no possible hope that this Bill could produce the good results which otherwise might be expected from it.

Sir JOSEPH M'KENNA said, his hon. Friend the Member for Waterford County (Mr. Blake) had spoken as though his thermometer was one of complete accuracy. But if his case was good for anything at all, it would simply prove, not that the farmers could not afford to pay such high rents as at present, but that they would not be able to pay anything at all for their land. If his hon. Friend's figures were to be accepted, they showed that it would be unprofitable to grow anything in Ireland which had to face American competition. His hon. Friend was familiar with one article of produce—fish. Why was it that the price of oysters had not gone down in this country in consequence of the immense importations from America? By a parity of reasoning the price ought to have gone down. The fact remained that it had not gone down. He (Sir Joseph M'Kenna) was in the habit of consuming American beef himself; but he could not get it delivered at home for less than 1*s.* per lb. He believed that, however much the supply increased and the people consumed, it would keep up its price.

Mr. CHAPLIN said, he was surprised at the apathy with which the statement of the hon. Member for the County of Waterford had been received. No notice of it, so far as he could judge, had been taken by the Government, notwithstanding that the question raised by the hon. Gentleman was one of the utmost importance, and one which touched most deeply the interests of agriculturists, not only in Ireland but in England as well — the enormous amount of our food importations from America, and the consequent great lowering of prices. The hon. Gentleman had, he understood, devoted much time to travelling through America; and, therefore, no man was calculated to speak with greater weight and authority upon the subject. Indeed, this point formed one of the greatest and most vital objections to the whole scheme of the Bill. The Government were going to give perpetuity or fixity of tenure under valued rents; and what would be the result if, as the hon. Gentleman suggested, prices fell to so great an extent? Why, it would utterly defeat the whole object and purpose of the Bill. He thought this point might have received some notice at the hands of the Government. He could not pretend to foretell what would be the effects of American competition; but he attached great importance to the latter portion of the Amendment now before the Committee, which provided that a record of prices should be kept for the guidance of the Court. No doubt, in a great degree, this question of prices would and must be left to the judgment of the Court; but the Court ought to have some record for the guidance of its judgment. The Prime Minister, in days gone by, objected, in the strongest manner, to the possibility of valuing rents upon the prices of produce; but that was in an argument directed against the whole system of the valuation of rents by the State. Now, however, that argument was altogether abandoned, and we were to have valuations of rent by the State. That being so, there ought to be some record or standard of prices kept for the Court to go upon in making its valuation. The hon. Member for Kirkcaldy (Sir George Campbell) had suggested that, however useful that might be, it would not be possible to deal with it in the present Bill. But why should the Court have imposed upon it so hard a task that Parliament felt incompetent itself to deal with it? He (Mr. Chaplin) would move as an Amendment to that before the Committee that the first three sections should be omitted, and only the last inserted in the Bill.

THE CHAIRMAN asked whether the hon. Member who had moved the original Amendment meant to press it? He understood that the hon. Gentleman had risen to withdraw it.

MR. LALOR asked leave to withdraw the Amendment, as the Government did not appear willing to accept it.

MR. GORST said, on the point of Order, that the hon. Member for Mid Lincolnshire had moved an Amendment to the Amendment before leave had been asked to withdraw it, because although the hon. Member who had moved it stood up in his place, it was understood by the language of his Friends that he intended to withdraw it. Yet the Chairman had called upon the hon. Member for Mid Lincolnshire, who, being in possession of the Committee, moved an Amendment. Even if the hon. Member for Queen's County had asked leave to withdraw the Amendment, it appeared to him that until the question that he be allowed to withdraw it were put from the Chair, anyone might move an Amendment.

THE CHAIRMAN: Before the hon. Member for Mid Lincolnshire rose, I heard the hon. Member for Queen's County say that he desired to withdraw the Amendment. If the hon. Member for Mid Lincolnshire does not wish it to be withdrawn, he has simply to say "No."

MAJOR NOLAN said, he greatly regretted that the Government had not accepted something of the kind. Of course, the objection brought out by the Prime Minister was perfectly good as the Amendment stood, as it was not all land that would grow all those different articles. But he considered that might have been remedied on Report, and he had no doubt the hon. Member would have been perfectly ready to admit the Amendment of the Prime Minister. He did not want to go into the whole question; but he regretted that they had no fixed principle whatever, and if the Prime Minister thought that the Commissioners were going into the value of every separate holding in Ireland he would be very much mistaken.

MR. A. M. SULLIVAN said, the hon. Member for Queen's County desired to withdraw his Amendment in order that they might discuss the subject on the Amendment of the hon. Member for the Tower Hamlets (Mr. Bryce).

MR. BIGGAR said, it seemed to him that the proposal in the Amendment was an exceedingly reasonable one. There was no certainty in the valuation of land. It was entirely guess work, and it might be a good guess or a very indifferent guess. Under the Bill he had no doubt the Government would make considerable exertions to get a pretty good valuation in the first instance. But what sort of valuators would they have 15 years hence? They knew nothing about them, they would be entirely beyond the control of the present Government, and they might be valuators of a very objectionable character. In addition to that, the evidence they would have to take with regard to the improvements which should have been made within the preceding 15 years must be of a very uncertain character. It would be perfectly impossible to get good and trustworthy evidence of the improvements that had taken place on a holding; and it appeared to him that if the view contained in the Bill, which seemed to be that an inquiry should be made into the details of each particular holding, were to be carried out, it would be very undesirable to have a re-valuation in 15 years, because the question of improvements was so uncertain. It was a very material thing with regard to small holdings, in many of which cases it would take nearly the fee-simple value of the holding to get professional evidence as to what the improved value of the holding was, and to satisfy the Court as to the value of a particular tenancy. For these reasons he thought it was very desirable that, if not the exact plan of the hon. Member, at least some similar plan should be adopted in the Bill, so that present tenants should, at the end of the first statutory term, be saved not only from the landlords, but from all the difficulties and troubles connected with the calling in of fresh evidence with regard to the value of their holdings.

Amendment proposed to the proposed Amendment, to leave out from the first word "Where," to the words "foregoing sub-section," in line 28.—(*Mr. Chaplin.*)

Question put, "That the words proposed to be left out stand part of the proposed Amendment."

The Committee *divided*:—Ayes 250; Noes 146: Majority 104.—(Div. List, No. 290.)

MR. T. P. O'CONNOR said, he should like to know, before the Amendment was withdrawn, how it would affect the Amendment which followed and which stood in the name of the hon. Member for the Tower Hamlets (Mr. Bryce)? If the Amendment of the hon. Member for Queen's County were rejected, would it be in Order for the hon. Member for the Tower Hamlets to move his?

THE CHAIRMAN said, that the first part of the Amendment of the hon. Member for the Tower Hamlets contained much larger questions. It contained the question of labour, the rise and fall in the price of labour, and also the question of live stock; so that the first part of the Amendment of the hon. Member for the Tower Hamlets would not be affected by the Amendment under discussion.

MR. W. H. SMITH said, he understood the Government would not accept the Amendment as it stood.

Amendment (*Mr. Lalor*), by leave, *withdrawn.*

THE CHAIRMAN: Before the hon. Member for the Tower Hamlets moves his Amendment, I must call his attention to the second part of it, which is—

> "Provided, That, where the value of the land shall be proved to the satisfaction of the Court to have been increased or diminished (as the case may be) by causes independent of anything done either by the landlord or by the tenant, the Court may, in determining the rent, have regard to such increased or diminished value, and shall, for the purpose of such determination, take the landlord's share in such increased or diminished value to bear to the tenant's share therein the same proportion as the selling value of the fee-simple of the land (subject to the tenant's interest) bears to the selling value of the tenant's interest in the holding."

I must point out that that cannot be put, because it is substantially the same as that of the hon. Member for Queen's County.

MR. BRYCE moved, in page 8, line 27, after sub-section 11, to insert the following sub-section:—

> "(12) Where, during the last twelve months of a current statutory term, or at any time after the expiry of the same, an application is made to the Court to determine a judicial rent, the Court shall not vary the amount of the rent from the amount at which it had been previously determined, except in respect of any increased value arising from improvements (if any) made by the landlord, or in respect of any increase or diminution (as the case may be) in the price of agricultural produce and live stock estimated upon the average prices of the five years last preceding, or in respect of any rise or fall (as the case may be) in the wages of labour or otherwise in the cost of production estimated upon the average of a like period."

He said he would accept the Chairman's decision, and say nothing about the second part of the Amendment, and confine himself to the first part. His task of explaining it to the Committee had been considerably lightened by the observations that were made upon the last Amendment by several hon. Gentlemen. He would just say that it was not open to several of the objections urged against that Amendment by the right hon. Gentleman the First Lord of the Treasury. Now, the present Amendment dealt with the settlement of a fair rent after the expiry of a statutory term; and it proposed not to deal, like the last Amendment, with details, but to lay down two general principles. The first was that the relative and proportionate interests of the landlord and tenant should be observed; and the second gave to the tenant a security that his rent should not be varied, except in respect of changes which made it fair that he should pay a different rent, so that a sense of security would be given to the tenant which would induce him to go on improving his property, and would prevent him from looking forward with alarm and apprehension to the determination of the statutory period. Let them suppose different cases. In the first case, if the price of agricultural produce as well as the wages of labour and the cost of production did not alter during the 15 years, then clearly there was no ground for imposing an increased rent at the end of that time. But in case they had altered, then, if the price of agricultural produce had risen, it would be fair for the landlord to receive a larger rent. On the other hand, if it fell, it would be proper that the rent should be diminished, and the same would be the case, conversely, with regard to the cost of labour. He submitted that the principle of the Amendment, in regard to fair rent, was perfectly clear; and he did not understand, in the short discussion which had taken place on the question, that the justice of that principle was seriously disputed. He understood hon. Members opposite, and also the Prime Minister, to have admitted that the principle was a sound one, and that the objections which would be urged against it would be of a different kind—namely, that the proposed mode of carrying out that principle was a somewhat complicated and difficult one. His answer was that it was very desirable that statistics of the prices of produce and of wages should be regularly kept. He believed that they would be regularly kept, and that it would be perfectly easy, where the statistics of relative prices were applied to the case of one farm in a district, to apply them to the cases of all the farms in that district. Where once they had been determined for a given area, they would form a standard for determining a fair rent all over the district. Then another objection had been raised—should the calculation be made on the prices ruling through Ireland generally, or on those of a particular district? To this he would answer that it would be with the discretion of the Court to determine the district. The 42nd clause would give very large powers, enabling the Land Commission to make rules for the carrying out of the Act, and it would be a very proper object for them to determine the district within which prices should be calculated, to preserve the list of prices, and generally to settle the details of the system prescribed by the Act. Finally, he would meet the objection that the Amendment was unnecessary, since the Court would proceed anyhow on its principle, by the answer given by many who had spoken before him, that it was very desirable, now that an attempt was being made to settle the rent question on a permanent basis, and when the desire of Parliament was to impress the tenants with a sense of their security, and to give them every motive for improving their farms, that the settlement should be absolute, and that once for all the respective rights of landlord and tenant should be fixed in a way that might prevent future disputes and give the tenant every motive for improving his holding. He was far from saying that the Court would not proceed on this principle; he hoped and trusted, even if the Amendment were not carried, that the Court would. But what he wished to put to the Committee was that it would go a long way to inspire confidence in the tenant if this provision were introduced. It was not at all the same thing for the Court at some future time, before the term of 15 years expired, to make rules, or for an amending Act to be brought it. It was necessary that the tenant should now at once be made contented with the settlement.

Question proposed, "That those words be there inserted."

Mr. GLADSTONE desired to say but a few words on the Amendment, which was prepared evidently with great care, but which, he was afraid, had been fatally mutilated by the decision which, under his sense of duty, the Chairman had taken. Striking out the second portion had made it, in his judgment, impossible to put the first. Taking this absolutely as it stood alone, it set forth that the rent during the second judicial term, or judicial term subsequent to the first term, should not be varied except in respect to certain cases which were enumerated. These were improvements by the landlord, the prices of agricultural produce, and wages, and other matters affecting the cost of production—that was the whole purpose of the first paragraph. But then the second paragraph introduced another set of cases distinctly curtailing the limits of, and so far contradicting, the first. The second paragraph took notice of other causes independent of anything done by landlord or tenant, and which his hon. Friend recognized as likewise forming necessary points for the consideration of the Court; and, therefore, he would not be surprised that he said they were hardly in a position to debate the Amendment. It must be admitted that it seemed to be drawn up with great care and skill; but this mutilation, he thought, prevented the discussion of it as a whole, and the one paragraph was in absolute contradiction to what his hon. Friend proposed as a whole. But he must say that, while he was unable to admit the first paragraph because it was incomplete, it would be hardly ingenuous in him not to state that he could not concur in the principle of the second paragraph. The first paragraph appeared to be perfectly balanced as between the interests of landlord and tenant; but in the second his hon. Friend laid down a rule for dividing the share in the increase or diminution of value that he was not prepared to adopt. But it would be irregular to dwell upon that, for that was not the proposition. Under the circumstances he was afraid that no profit would arise from a discussion of the first paragraph of the Amendment.

MR. T. P. O'CONNOR said, he was sorry the hon. Member was prevented from putting the Amendment in the form in which it was originally drafted; but he was afraid the reasons given by the Prime Minister were fatal to it. But he only rose to say that there was no reason why the Prime Minister should not consider between now and the consideration of the Report, if Tory Obstruction should ever allow the Bill to reach that stage, some means of inserting in the measure that principle which the hon. Member sought to recommend to the attention of the Government. The Prime Minister, he was sure, was well acquainted with the general lines of the system of land tenure in India and some of the various Codes upon it; and he (Mr. O'Connor) thought the object which the hon. Member for the Tower Hamlets had at heart was contained in some measure in those Codes, whereby the rent was not increased unless the value of the produce or the producing power of the land had been increased otherwise than by the agency or by the expense of the ryot. This was a fair principle, and might well find recognition in the Bill; and he hoped the right hon. Gentleman would give serious consideration to the form of words which, in his judgment, would embody some such proposal. It was quite evident, from the remarks of the hon. Member for Cork, and by one who spoke on behalf of Ulster, that the one thing that tenants there felt strongly was the prospective danger of the value of a farm being increased in consequence of improvements the tenant might make. No doubt this prospective danger would not arise for 15 years after the passing of the Act; but it was danger that, though 15 years remote, yet did possess the mind of the tenant and greatly affected the benefit the Bill was calculated to confer. For himself, he did not think the danger would be very great, with a combination of a Liberal Government and the vigilance of an Irish Opposition, to protect the interests of the tenant even after the end of 15 years.

MR. LITTON said, he thought the thanks of Irish Members and Irish farmers were due to the hon. Member for the manner in which he had formulated his Amendment; and it occurred to him (Mr. Litton) that there was not that connection between the two branches of the Amendment, as the right hon. Gentleman contended, that the one should necessarily fall with the other. The latter part had been ruled out of Order; but the earlier part declared that at the end of the current statutory term the rent should not vary from the amount fixed except in respect of increased value arising from landlords' improvements, or increase or diminution in the price of agricultural produce, live stock, or rise and fall in cost of labour. These were the three elements in respect to which there might be an alteration of rent; and where was the inconsistency in saying that these circumstances having been taken into consideration in determining the statutory rent, that they should be considered on re-valuing and dividing the unearned increment between the landlord and tenant? Passing away from the latter part of the Amendment, the first portion of the Amendment would stand by itself; and it appeared to him that the argument based on the fact that because one part of the Amendment was ruled out of Order the other part could not be submitted to the Committee was not conclusive. Of course, at that hour, probably the hon. Member would not press his Amendment; but certainly it was a subject upon which the tenant farmers of Ireland entertained the deepest interest, because they had a strong fear and impression that their own improvements might be considered in a subsequent revision of rent; and as that feeling might have much effect on the success of the measure, it was desirable to have some such assurance as the Amendment of the hon. Member would give. On such grounds he would support the Amendment in a division, though probably the hon. Member would not press his Amendment so far.

Sir STAFFORD NORTHCOTE, without going into the particular point raised, said, the principle upon which they had been dealing with the action of the Court was to leave the Court as little fettered by minute directions as might be. If the Committee passed this first part of the Amendment, they would be going a long way to hamper the Court with minute restrictions that might be found extremely inconvenient.

Mr. GLADSTONE said, it was well said by the right hon. Baronet that they did not wish to lay down any absolute directions for determining the second or subsequent revision of rent; but one thing he did wish to say in reply to what had fallen from the hon. Member for Galway (Mr. T. P. O'Connor), and that was, that he was at one with him in the desire that the whole fruits of the tenant's industry should be secured to the tenant, and become a permanent basis of his interest in the property as the proceeds of his own labour and capital applied to the soil; and he was convinced that this would not be forfeited. He only gave this assurance to remove any doubt that might exist.

Mr. GIVAN said, he had given a great deal of attention to this Amendment, and was sorry the Prime Minister had not seen his way to accepting it. The assurance that the landlord should not be allowed to acquire more than he was entitled to was so far satisfactory; but the tenants had a fear, founded on experience, that after the initial rent was fixed their own improvements would be taken into account on a subsequent valuation. A letter from an able Presbyterian minister which he had received that day referred to this in allusion to the discussions of the past week. The writer referred to the great advantage it would be to remove the sense of insecurity that now existed in the minds of tenants, and to make it clear that they should have the benefit of the improvements that they had themselves created. That was the very object the Government professed to aim at in their Bill, and unless it was accomplished the Bill would fail of success. He expressed a hope that in the interval before the Report was considered the Government would give their earnest attention to this.

Mr. BRYCE, after the remarks of the Prime Minister, did not think himself justified in asking the Committee to divide. He might say that he felt that the leaving out of the latter part of the Amendment did seriously affect the first part as now worded; but he did not conceive this to be a fatal objection to the first part, if it were slightly altered in expression. But the experience of Friday did not encourage him to hope that the time of the Committee would be profitably spent upon matters of drafting, and he would ask leave to withdraw his Amendment, with the view of bringing it up on Report in an amended form.

Amendment, by leave, *withdrawn*.

The CHAIRMAN: The next Amendment, in the name of the hon. and learned Member for Antrim (Mr. Macnaghten), is precisely the same as one upon which the Committee has already decided, and cannot, therefore, be put. The next Amendment in Order is that of the hon. Member for Coleraine (Sir Hervey Bruce).

Sir HERVEY BRUCE said, he had some degree of difficulty in regard to his Amendment, which was for the purpose of bringing labourers' rents under the 1st section of this clause. He was anxious that something should be done in regard to labourers' rents; but he had been told by Gentlemen more learned in the drafting of Amendments than himself that the words he proposed would not accomplish the object he had in view. He therefore thought the best course would be to postpone the subject and to wait until the deputation of labourers, which he understood was to have an interview with the Chief Secretary on Friday, had had an opportunity of explaining the views of the labourers; and perhaps the result might be a clause better drafted than his. He would not give the Committee the trouble of discussing his Amendment.

On Question, "That the Clause, as amended, stand part of the Bill?"

CAPTAIN AYLMER said, as his hon. Friend was not going to put his Amendment, he begged now to move to report Progress. He did so in the hope that the Prime Minister would accede to it, because the great question of perpetuity of tenure arose on the question that the clause be retained, and the clause had been so altered that it required much looking into.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Captain Aylmer.*)

MR. GLADSTONE said, he was about to make the Motion himself.

MR. T. P. O'CONNOR regretted that the right hon. Gentleman had agreed to the Motion; it was still early in the evening, and he thought the Committee were going on in a satisfactory manner. He was afraid the Government were giving in to Obstruction.

Motion *agreed to.*

Committee report Progress; to sit again *To-morrow,* at Two of the clock.

BANKRUPTCY BILL.—[BILL 187.]

(*Mr. Chamberlain, Mr. Attorney General, Mr. Solicitor General, Mr. Ashley.*)

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be deferred to Monday next."—(*Lord Richard Grosvenor.*)

MR. R. N. FOWLER asked the noble Lord (Lord Richard Grosvenor) if there was any use in putting down the Bill for that day? The Land Law (Ireland) Bill would still occupy the time, and it would be convenient to Members interested in the Bankruptcy Bill to know when it really would come on.

LORD RICHARD GROSVENOR said, due Notice would be given before the Bill was really brought on; but at present it was impossible to say exactly when the Committee on the Land Law (Ireland) Bill would finish.

MR. GORST said, there was some convenience also in putting the Bill down for Monday, as perhaps by that time the Government might decide to withdraw the Bill.

Motion *agreed to.*

Second Reading *deferred* till *Monday* next.

House adjourned at One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CCLXII.

SIXTH VOLUME OF SESSION 1881.

Explanation of the Abbreviations.

In Bills, Read 1°, 2°, 3°, or 1^{a}, 2^{a}, 3^{a}, Read the First, Second, or Third Time.—In Speeches 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—R. P., Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

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Army Desertions—"Waste of the Army"
Moved, "That an humble Address be presented to Her Majesty praying that Her Majesty will be graciously pleased to appoint a Royal Commission to inquire into and report upon the causes of the 'Waste of the Army,' both in regard to the alarming increase of desertion officially reported to have taken place within a few months of the first enlistment of recruits as well as in regard to subsequent 'fraudulent enlistments' during recent years since the introduction of short service and the twin (or linked) battalion system" (*The Earl of Galloway*) *June* 20, 817; after debate, Motion withdrawn

Army Organization—Retirement of Officers
Observations, Mr. Childers *June* 24, 1228
Amendt. on Committee of Supply, To leave out from "That," and add "in the opinion of this House, it is not desirable to carry into effect that part of the new Army scheme, recently laid upon the Table, which authorises the compulsory retirement of efficient officers under 70 years of age, but that increased inducements to voluntary retirement should be substituted therefor, according to the original plan laid down by Lord Cardwell, and sanctioned by Parliament in 1871" (*Sir Alexander Gordon*) *v.*; Question proposed, "That the words, &c.;" after debate, Amendt. and Motion withdrawn

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l. Moved, "That the Bill be now read 3ª" *June* 27, 1338
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Bankruptcy Bill
(*Mr. Chamberlain, Mr. Attorney General, Mr. Solicitor General, Mr. Ashley*)
c. 2R. deferred, after short debate *July* 4, 2054 [Bill 137]

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l. Read 2ª* *June* 14 (No. 100)
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c. Ordered; read 1° * *June* 9 [Bill 184]
Read 2° * *June* 20
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l. Read 1ª * (*E. Camperdown*) *June* 27 (No. 131)

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c. Ordered; read 1°* *June* 23 [Bill 197]

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c. Moved, "That the Bill be now read 2°" *June* 22, 1037; after long debate, Questio put; A. 79, N. 175; M. 96 [Bill 27]
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- Parliament—Business of the House—Land Law (Ireland), Res. Amendt. 1497, 1511
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Charitable Trusts Acts Amendment Bill
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(*The Lord Chancellor*)

l. Report *June* 20, 834 (Nos. 96, 120)
Moved, "That the Bill be now read 3ª" *June* 30, 1604
Amendt. to leave out ("now,") and add ("this day three months") (*The Lord Denman*); on Question, that ("now,") &c.? resolved in the affirmative; Bill read 3ª

Charity Trustees Incorporation Act, 1872
Moved, For a "Return of all applications which have been made to the Charity Commissioners under the provisions of 35th and 36th Victoria, chap. 24., distinguishing the cases in which a certificate of incorporation has been granted from those in which it has been refused" (*Bishop of Carlisle*) *June* 23, 1088; Motion agreed to

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Church Boards Bill (*Mr. Albert Grey, Mr. Edward Howard, Mr. Stuart-Wortley, Mr. Marriott, Mr. Pulley*)
c. Bill withdrawn * *June* 3 [Bill 14]

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Land Law (Ireland), Comm. *cl.* 1, 431; *cl.* 2, 784; *cl.* 3, 870, 912, 916; *cl.* 4, 945, 949, 1188; *cl.* 7, 1671, 1726, 1742, 1888
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Commons Regulation Provisional Order (Beamsley Moor) Bill
(*The Earl of Dalhousie*)
l. Royal Assent *June* 3 [44 *Vict.* c. xx]

Commons Regulation Provisional Order (Langbar Moor) Bill
(*The Earl of Dalhousie*)
l. Royal Assent *June* 3 [44 *Vict.* c. xix]

Commons Regulation Provisional Order (Shenfield) Bill
(*Mr. Courtney, Secretary Sir William Harcourt*)
c. Read 1° * *June* 3 [Bill 183]
Read 2° * *June* 14
Report * *June* 24
Read 3° * *June* 27
l. Read 1ª *, and referred to the Examiners *June* 27 (No. 132)

Consolidated Fund (No. 3) Bill
(*Mr. Playfair, Mr. Chancellor of the Exchequer, Lord Frederick Cavendish*)
c. Resolution [*June* 2] reported, and agreed to; Bill ordered * *June* 9
Read 1° * *June* 10
Read 2° * *June* 13
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Contagious Diseases Acts Repeal Bill
(*Mr. Stansfeld, Mr. William Fowler, Mr. Henry H. Fowler, Mr. Joseph Cowen*)
c. Bill withdrawn * *June* 14 [Bill 7]

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Copyhold Enfranchisement Bill
(*Mr. Waugh, Mr. George Howard, Mr. Stafford Howard, Mr. Ainsworth, Mr. Ferguson*)
c. Committee *; Report *June* 22 [Bills 117-195]

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Coroners (Ireland) Bill
(*Mr. Healy, Mr. Gray, Mr. Barry*)
c. Report of Select Committee * *June* 14 [No. 281]
Committee * (*on re-comm.*)—R.P. *June* 21 [Bill 187]
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Considered; read 3° *June* 27, 1459
l. Read 1ª * (*Viscount Lifford*) *June* 28 (No. 134)
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Court of Bankruptcy (Ireland) (Officers and Clerks) Bill
(*Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)
c. Ordered; read 1° * *June* 15 [Bill 189]
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l. Read 1ª * (*Lord Carlingford*) *June* 28 (No. 133)
Read 2ª * *July* 4

Court of Bankruptcy (Ireland) (Officers and Clerks) [*Salaries*]
c. Considered in Committee *June* 22, 1086
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Court of Session (Scotland) Bill
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Crime—Statistics of Murder
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Criminal Code Bill
Question, Sir R. Assheton Cross; Answer Mr. Gladstone *July* 4, 1936

Criminal Law—Murder at Solihull
Observations, The Earl of Dartmouth; Reply, The Earl of Dalhousie *June* 16, 628

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Capital Punishment (Abolition), 2R. 1050
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Crown Lands—The Stagsden Crown Estate
Question, Mr. Arthur Arnold; Answer, Mr. Gladstone *June* 20, 836

Currency—International Monetary Conference at Paris—Bi-Metallism
Questions, Mr. Magniac, Mr. E. Stanhope; Answers, Mr. Gladstone *July* 4, 1953

Customs and Inland Revenue Bill
(*The Lord Thurlow*)
l. Royal Assent *June* 3 [44 *Vict.* c. 12]

Customs (Outdoor Officers at the Outports)
Moved, "That Mr. Bellingham, Mr. Wilbraham Egerton, and Sir Henry Fletcher be nominated Members of the Committee" (*Mr. Norwood*) *June* 9, 222; Motion agreed to
Moved, "That Mr. Henry H. Fowler be one other Member of the said Committee;" Question put; A. 38, N. 6; M. 32 (D. L. 236)

Customs (Outdoor Officers at the Outports)—cont.
Moved, "That the following be Members of the Committee:—Mr. Leveson Gower, Mr. Heneage, Mr. John Holms, Colonel Makins, Mr. Slagg, Mr. Storer, Mr. Watney, and Mr. Norwood;" Motion agreed to

Customs—The Port of Exeter
Question, Mr. Northcote; Answer, Lord Frederick Cavendish *June* 30, 1638

Cyprus—The Papers
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Dalrymple, Mr. C., *Buteshire*
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Mr. James Tuite, a Prisoner under the Act, Questions, Mr. T. D. Sullivan, Mr. Healy, Mr. O'Kelly; Answers, Mr. W. E. Forster; Question, Mr. O'Donnell; [no reply] *June* 27, 1354

Mr. Hodnett, a Prisoner under the Act, Questions, Mr. Healy; Answers, Mr. W. E. Forster *June* 28, 1481

J. M'Murray, a Prisoner under the Act, Question, Mr. Parnell; Answer, Mr. W. E. Forster *June* 30, 1645

Thomas M'Girney, a Prisoner under the Act, Question, Major O'Beirne; Answer, Mr. W. E. Forster *June* 30, 1652

Michael Davitt, a Prisoner under the Act, Questions, Mr. J. Cowen, Mr. Parnell; Answers, Mr. Gladstone *June* 30, 1657

T. Harrington, a Prisoner under the Act, Question, Mr. Parnell; Answer, Mr. W. E. Forster *July* 1, 1830

J. R. Heffernan, a Prisoner under the Act, Question, Mr. Parnell; Answer, Mr. W. E. Forster *July* 1, 1831

Philip Brady, Charles O'Beirne, and others, Prisoners under the Act, Question, Mr. Biggar; Answer, Mr. W. E. Forster *July* 4, 1960

Arrests under the Act, Question, Mr. A. M. Sullivan; Answer, Mr. W. E. Forster *July* 4, 1965

Ireland—Ejectments for Non-Payment of Rent

Moved for, Return showing the total number of cases of ejectment for non-payment of rent in Ireland since the Land Act, 1870, came into operation, in which claims for disturbance on account of the rent being an exorbitant rent have been made, with the amount claimed in each such case, and the amount (if any) awarded by the court (*The Earl of Limerick*) *June* 17, 756; after short debate, Motion agreed to; Return ordered to be laid before the House

Ireland—Irish Executive

Order read, for resuming Adjourned Debate on Question [23rd May], "That the Debate on Question, 'That, in the opinion of this House, the action of the Irish Executive in arbitrarily arresting a Member of the House without reasonable ground; in proclaiming a state of siege in Dublin; in imprisoning the Rev. Mr. Sheehy and many other men of high character and good conduct; and in affording the use of the armed forces of the Crown for the wholesale execution of wanton and cruel evictions is an abuse of the exceptional powers conferred by Parliament; and is calculated to promote disaffection in Ireland' (*Mr. Justin M'Carthy*) be now adjourned" *June* 3, 58; after short debate, Motion withdrawn

Original Question again proposed; after long debate, Question put; A. 22, N. 130; M. 108 (D. L. 229)

Ireland—Landlord and Tenant

Postponement of Motion, The Marquess of Lansdowne; Question, The Marquess of Salisbury; Answer, The Marquess of Lansdowne *June* 23, 1089

Motion for Returns, The Duke of Argyll *July* 1, 1753; after long debate, Motion withdrawn

Ireland—Landlord and Tenant (Ireland) Act Inquiry Commission

Moved for "Copy of a letter, dated 29th October 1880, and written by the Earl of Limerick to the Secretary to the Landlord and Tenant (Ireland) Act Inquiry Commission" (*The Earl of Limerick*) *June* 21, 980; Motion agreed to

Ireland — Landlord and Tenant — The Townland Valuations Act, 6 and 7 Will. IV., c. 81

Moved to resolve, That, in the opinion of this House, in all calculations affecting the interests of landlord and tenant the Townland Valuation 6th and 7th Will. IV. chap. 84. should be adopted as the basis of adjustment (*The Lord Waveney*) *June* 17, 750; after short debate, Motion withdrawn

Irish Railways Purchase Bill

(*Sir Rowland Blennerhassett, Colonel Colthurst*)

c. Bill withdrawn * *June* 10 [Bill 28]

Italy—The Commercial Treaty

Question, Mr. J. Cowen; Answer, Sir Charles W. Dilke *June* 28, 1481

JACKSON, Mr. W. L., *Leeds*

Patents for Inventions, 2R. 600

Post Office—Telegraph Forms and Post Cards, 1360

JAMES, Sir H. (*see* ATTORNEY GENERAL, The)

JAMES, Mr. C. H., *Merthyr Tydfil*

Sale of Intoxicating Liquors on Sunday (Wales), Comm. 614

Supply—Home Department, &c. 262

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James, Mr. W. H., *Gateshead*
Metropolitan Open Spaces Act (1877) Amendment, Comm. *cl.* 1, Amendt. 1747; *cl.* 2, Amendt. 1748, 1749; *cl.* 3, Amendt. *ib.*; *cl.* 5, Amendt. 1750; *cl.* 8, Amendt. *ib.*; *cl.* 11, Amendt. *ib.*
Navy (Construction)—Fighting Ships, 1222
Sale of Intoxicating Liquors on Sunday (Wales), Comm. *cl.* 1, 623

Japan—Newspapers
Question, Mr. O'Donnell; Answer, Sir Charles W. Dilke *June* 16, 635

Johnson, Mr. W. M. (Solicitor General for Ireland), *Mallow*
Ireland, State of—Disturbances at Quinlan's Castle, New Pallas, Co. Limerick, 57
Irish Executive, Motion of Censure, 65, 66
Summary Jurisdiction (Ireland), 2R. 613

Kennaway, Sir J. H., *Devon, E.*
Army Organization—Senior Purchase Captains, 856

Kimberley, Earl of (Secretary of State for the Colonies)
Africa (South)—The Transvaal—Papers, 1752, 1753
Army Organization—Territorial Regiments—The Buffs—East Kent Regiment, 1470
Greek Frontier, Address for a Paper, 1633
Landlord and Tenant (Ireland), Motion for Papers, 1818

Kingscote, Colonel R. N. F., *Gloucestershire, W.*
Land Law (Ireland), Comm. *cl.* 1, 729, 730

Labouchere, Mr. H., *Northampton*
Army—Political Meetings—Colonel the Hon. T. G. Cholmondeley, 1221
Bulgaria (Political Affairs), 467, 848
International Law—Cyprus and Tunis—Conference of Great Powers, 1948
Ireland — Evictions — Renvyle, Co. Galway, 849
Ireland, State of—Landlord and Tenant, 344
Parliament — Public Business, Ministerial Statement, 1970
  Rules and Orders—Petitions—Mr. Bradlaugh's Seat, 859, 1111, 1112
Post Office—Telegraph Department—Clerks, 235, 236
Railways—Excessive Rates—South-Western Railway, 112
Supply—Diplomatic and Consular Buildings, 213
  Museum of Science and Art in Dublin, 209
  Secretary of State for Foreign Affairs, 275, 277, 278, 280, 281
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Laing, Mr. S., *Orkney, &c.*
Anglo-Turkish Convention, Motion for an Address, 1336
Land Law (Ireland), Comm. *cl.* 3, 892; *cl.* 7, 1678, 1883
Post Office—Telegraphic Communication with Shetland, 840

Lalor, Mr. R., *Queen's Co.*
Land Law (Ireland), Comm. *cl.* 1, Amendt. 387, 388, 659; *cl.* 2, Amendt. 775, 780; *cl.* 4, 1135; Amendt. 1166, 1381, 1395; *cl.* 5, 1572; Amendt. 1588; *cl.* 7, 1839; Amendt. 2036, 2043

Lamington, Lord
Tunis, Address for Circular, 972

Land Drainage Provisional Orders Bill
(*The Earl of Dalhousie*)
l. Read 2ª * *June* 13 (No. 104)
Committee *; Report *June* 14
Read 3ª * *June* 17

Landed Proprietors (Ireland) Bill
(*Mr. P. J. Smyth, Mr. Patrick Martin, Mr. Fay, Mr. Litton*)
c. Bill withdrawn * *June* 29 [Bill 63]

Land Law (England)—Law of Entail
Amendt. on Committee of Supply *June* 10, To leave out from "That," and add "in the opinion of this House, the Law permitting the creation and perpetuation of life estates in land has caused great injury to all classes of the people, and specially to owners and occupiers of land and the labourers employed in its cultivation, and that such a change in the law is imperatively required as shall prevent (with very slight exception) the creation of such estates, and shall secure a real and competent ownership, and a complete freedom in the buying and selling of land throughout the Country" (*Mr. William Fowler*) *v.*, 286; Question proposed, "That the words, &c.;" after debate,
[House counted out]

Land Law (Ireland) Bill
Notice of Question, Mr. O'Kelly *June* 9, 113; Questions, Mr. O'Shea, Sir Stafford Northcote, Mr. T. P. O'Connor, Lord Randolph Churchill; Answers, Mr. Gladstone *June* 17, 764
Clause 5—£100 Tenancies, Question, Sir Matthew White Ridley; Answer, Lord Edmond Fitzmaurice *June* 23, 1122
Clause 7—Fair Rents, Question, Mr. M'Coan; Answer, The Attorney General for Ireland *June* 20, 859
Copy of the Bill as Amended, Question, Mr. Callan; Answer, Mr. Gladstone *June* 23, 1123
"*Urgency*," Questions, Mr. O'Kelly, Sir Eardley Wilmot; Answers, Mr. Gladstone *June* 10, 234

Land Law (Ireland) Bill
(*Mr. Gladstone, Mr. William Edward Forster, Mr. Bright, Mr. Attorney General for Ireland, Mr. Solicitor General for Ireland*)
c. Committee—R.P. *June* 3, 34 [Bill 135]
Committee—R.P. *June* 13, 360
Committee—R.P. *June* 14, 472
Committee—R.P. *June* 16, 655
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Land Law (*Ireland*) *Bill*—cont.
- Committee—R.P. *June* 20, 861
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- Committee—R.P. *June* 28, 1516
- Committee—R.P. *June* 29, 1546
- Committee—R.P. *June* 30, 1660
- Committee—R.P. *July* 1, 1835
- Committee—R.P. *July* 4, 1971

Land Tax Commissioners' Names Bill
- (*Mr. John Holms, Lord Frederick Cavendish*)
- *c.* Read 3º* *June* 10 [Bill 126]
- *l.* Read 1ª* (*Lord Thurlow*) *June* 13 (No. 109)
- Read 2ª* *June* 17
- Committee* ; Report *June* 20
- Read 3ª* *June* 21
- Royal Assent *June* 27 [44 & 45 *Vict.* c. 16]

LANSDOWNE, Marquess of
- Irish Land Question—Duke of Argyll's Motion —Postponement, 1089
- Landlord and Tenant (Ireland), Motion for Papers, 1806
- Law and Justice (Ireland)—Substituted Process, 1917
- London and South-Western Railway, 2R. 1915

LAW, Right Hon. H. (Attorney General for Ireland), *Londonderry Co.*
- Coroners (Ireland), Comm. *cl.* 1, 1214 ; *add. cl.* 1215
- Ireland—Miscellaneous Questions
  - Bridges—Bandon River Bridge, 117 ;—River Moy, Co. Mayo, 4
  - Constabulary—Register of Suspected Persons, 119
  - Inquests—Case of Mr. T. Cooke, 1485
  - Land Law—Fair Rents, 859
  - Magistracy—Closing of Public Houses, 350 ;—Mr. Clifford Lloyd, R.M., 1660
  - Poor Law—Board of Guardians—Swineford Union, 4
  - Protection of Person and Property Act, 1881 — Letters to Political Prisoners (Mr. Hodnett), 17
- Ireland, State of—Miscellaneous Questions
  - Disturbances at Clonmel, 241, 242 ;—Quinlan's Castle, New Pallas, Co. Limerick, 21, 22, 23
  - Evictions on Lord Annaly's Estate, 118
  - Hindrance to Serving Processes of Law, 1833
  - Infliction of Penalties for Refusing to Supply the Constabulary with Cars, 6
  - Outrages in Galway—Rules of Debate—Suspension of a Member, 20, 21
  - Proclamation of Baronies in the King's Co., 3
- Land Law (Ireland), Comm. *cl.* 1, 362, 380, 388, 393 ; Amendt. 394, 398, 405, 408, 486, 497, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 514, 515, 519, 521, 656, 658, 659, 660, 661, 668, 673, 679, 681, 726, 739, 740 ; *cl.* 2, 773, 775, 779 ; Amendt. 780, 783, 784, 786, 787, 788, 789, 790, 794 ; *cl.* 3, 815, 884, 895, 897, 898, 900, 905, 908, 909, 910, 915, 918, 919 ; *cl.* 4, 938, 941, 943, 947, 949, 995, 998, 1001, 1007, 1010,

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- 1011, 1012 ; Amendt. 1020, 1021, 1023, 1024, 1025, 1135, 1136, 1153, 1169, 1170, 1172, 1174, 1175, 1178, 1179, 1180, 1183, 1185, 1186, 1187, 1188, 1190, 1212, 1392, 1393, 1398, 1399, 1402, 1403, 1404, 1408, 1409, 1410, 1415, 1418, 1420, 1425, 1426, 1436, 1450, 1451, 1452, 1453, 1455 ; *cl.* 5, 1528, 1529, 1531, 1535 ; Amendt. 1541, 1560, 1573, 1576, 1577, 1578, 1587, 1588, 1589 ; *cl.* 7, Amendt. *ib.* 1595, 1680, 1683, 1684, 1734, 1736, 1739, 1747, 1847, 1859, 1864, 1875, 1881, 1889, 1898, 1988, 1991, 1994, 2000, 2001, 2005
- Parliament — Public Business, Ministerial Statement, 1971

Law and Justice
- *High Court of Justice—Chancery Division—Dormant Causes—Money Paid into Court,* Questions, Mr. S. Leighton ; Answers, Lord Frederick Cavendish *June* 23, 1091 ; *June* 27, 1356
- *The Assizes*, Question, Mr. Hicks ; Answer, Sir William Harcourt *June* 3, 4

Law and Police
- MISCELLANEOUS QUESTIONS
  - *Attempt to Blow up the Liverpool Town Hall*, Question, Mr. Arthur Arnold ; Answer, Sir William Harcourt *June* 10, 239 ; Question, Sir R. Assheton Cross ; Answer, Sir William Harcourt *June* 13, 352
  - *Police Expenditure—Increase of Cost*, Question, Sir Baldwyn Leighton ; Answer, Sir William Harcourt *June* 10, 233
  - *Police Superannuation—Legislation*, Question, Mr. A. Elliot ; Answer, Sir William Harcourt *June* 3, 14
  - *Prize Fight on Epsom Downs*, Question, Sir Wilfrid Lawson ; Answer, Sir William Harcourt *June* 13, 341
  - *The Police at Railway Stations on Derby Day*, Question, Mr. Healy ; Answer, Sir William Harcourt *June* 3, 7

LAWRENCE, Sir J. J. T., *Surrey, Mid.*
- Army—Officers of the Indian Army and Staff Corps—Retirement, 842
  - Staff Corps (Indian Pensions), 1956

LAWSON, Sir W., *Carlisle*
- British Burmah—The Opium Traffic, 1357, 1358
- Land Law (Ireland), Comm. *cl.* 4, 1190, 1192, 1194, 1196 ; Amendt. 1197, 1210, 1212
- Law and Police—Prize Fight on Epsom Downs, 341
- Liquor Traffic, Res. 524, 544
- Magistracy (Ireland) — Closing of Public Houses, 350
- Navy (Construction)—Fighting Ships, 1223
- Sale of Intoxicating Liquors—Local Option, 758

LEA, Mr. T., *Donegal*
- Coroners (Ireland), Comm. *cl.* 1, 1214
- Land Law (Ireland), Comm. *cl.* 1, 406 ; Amendt. 408, 409, 675 ; *cl.* 3, 895 ; *cl.* 7, 1845 ; Amendt. 2003, 2008

LEAMY, Mr. E., *Waterford*
Ireland—Crime—City of Waterford, 1829
Land Law (Ireland), Comm. *cl.* 1, 46, 374, 389, 390, 410, 481, 484, 657 ; *cl.* 2, Amendt. 781, 783, 789, 790 ; *cl.* 3, 809 ; *cl.* 4, 998, 1028, 1032, 1132, 1135, 1156, 1178, 1387, 1406 ; Amendt. 1423 ; *cl.* 5, 1561 ; Amendt. 1575 ; *cl.* 7, 1735, 1836
Protection of Person and Property (Ireland) Act, 1881—Prescribing the City of Waterford, 1228, 1366, 1371

LECHMERE, Sir E. A. H., *Worcestershire, W.*
Army Organization—City of London Regiment—Regimental Titles, 1114

LECONFIELD, Lord
Landlord and Tenant (Ireland), Motion for Papers, 1819

LEFEVRE, Right Hon. G. J. Shaw (Chief Commissioner of Works), *Reading*
Land Law (Ireland), Comm. *cl.* 1, 697, 698
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  Accommodation of Members, 1957
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  Lighting of the House, 113, 770, 1488
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  Natural History Museum, 165, 166, 167, 168, 170, 171
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  Survey of the United Kingdom, 154

LEIGHTON, Sir B., *Shropshire, S.*
Land Law (Ireland), Comm. *cl.* 4, 1446
Police Expenditure—Increase of Cost, 233

LEIGHTON, Mr. S., *Shropshire, N.*
High Court of Justice—Chancery Division—Dormant Causes—Money Paid into Court, 1091, 1356

LEWIS, Mr. C. E., *Londonderry*
Ireland—Miscellaneous Questions
  Ejectment Decrees, 838
  Ejectments—Return of Processes for 1881, 352
  Preparation of Official Papers—Remuneration to Sub-Sheriffs, 352

LEWISHAM, Viscount, *Kent, W.*
Army (India)—Indian Artillery—Retirement, 852
Army Promotion—Royal Warrants of 1872 and 1873, 646

Licensing Acts—Spurious Clubs
Question, Mr. Hussey Vivian ; Answer, Sir William Harcourt *July* 4, 1950

LIFFORD, Viscount
Landlord and Tenant (Ireland), Motion for Papers, 1794, 1797
Landlord and Tenant (Ireland)—Townland Valuations Act—6 and 7 Will. IV. c. 81, Res. 754

LIMERICK, Earl of
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Ireland—Ejectments for Non-Payment of Rent, Motion for a Return, 756
Landlord and Tenant (Ireland), Motion for Papers, 980, 1811
Tramways (Ireland) Acts Amendment, Report of Amendts. *cl.* 7, 833

LINDSAY, Colonel Sir R. J. Loyd, *Berkshire*
Army Organization—Retirement of Officers, 1251
Railway Structures—Wind Pressure, 6
Ways and Means—Inland Revenue—Income Tax on Farms in Hand, 1655

Liquor Traffic
Moved, " That, in the opinion of this House, it is desirable to give legislative effect to the Resolution passed on the 18th day of June 1880, which confirms the justice of local communities being entrusted with the power to protect themselves from the operation of the Liquor Traffic " (*Sir Wilfrid Lawson*) *June* 14, 524 ; after debate, Question put ; A. 196, N. 154 ; M. 42
  Div. List, A. and N. 562
Question, Mr. Newdegate ; Answer, Sir Wilfrid Lawson *June* 17, 758

LITTON, Mr. E. F., *Tyrone*
Land Law (Ireland), Comm. *cl.* 1, 49, 371 ; Amendt. 390, 393, 480, 492, 505, 673, 674, 675, 676, 680, 742, 782 ; *cl.* 3, 872, 888, 902, 903 ; Amendt. 904 ; *cl.* 4, 1009 ; Amendt. 1021, 1025, 1029, 1141, 1151, 1153, 1154, 1173, 1185, 1414, 1454 ; *cl.* 5, 1540 ; *cl.* 7, 1601, 1661, 1672, 1698, 1699, 1862, 1896, 1985, 2006, 2050
Summary Jurisdiction (Ireland), 2R. 613
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Liverpool, City of—Powder Magazines in the Mersey
Question, Mr. Summers ; Answers, Sir William Harcourt, Mr. Trevelyan *July* 1, 1821

LLOYD, Mr. M., *Beaumaris*
Land Law (Ireland), Comm. *cl.* 1, 404, 505 ; *cl.* 3, 911, 917 ; *cl.* 4, 946, 1189
Sale of Intoxicating Liquors on Sunday (Wales), Comm. 616 ; Consid. *cl.* 1, 951

Local Courts of Bankruptcy (Ireland) [*Salaries, &c.*]
c. Considered in Committee *June* 13, 330
Resolution reported *June* 14

Local Government (Gas) Provisional Order Bill (*The Marquess of Huntly*)
l. Committee * ; Report *June* 17 (No. 93)
Read 3ª * *June* 20
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxvii]

Local Government (Highways) Provisional Order (York) Bill
(*The Marquess of Huntly*)
l. Royal Assent *June* 3 [44 *Vict.* c. xvi]

Local Government (Ireland) Provisional Orders (Ballymena, &c.) Bill
(*Mr. Solicitor General for Ireland, Mr. Attorney General for Ireland*)
c. Report * *June* 3 [Bill 173]
Read 3º * *June* 9
l. Read 1ª * (*Earl Dalhousie*) *June* 13 (No. 110)
Read 2ª * *June* 17
Committee * ; Report *June* 21
Read 3ª * *June* 23
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxix]

Local Government (Ireland) Provisional Orders (Bandon, &c.) Bill
(*The Earl of Dalhousie*)
l. Read 2ª * *June* 13 (No. 105)
Committee * ; Report *June* 14
Read 3ª * *June* 16
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxv]

Local Government Provisional Orders (Acton, &c.) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 17 [Bill 159]
Considered * *June* 20
Read 3º * *June* 21
l. Read 1ª * (*Earl Dalhousie*) *June* 21 (No. 121)
Read 2ª * *June* 27

Local Government Provisional Orders (Askern), &c. Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 14 [Bill 152]
Considered * *June* 15
Read 3º * *June* 16
l. Read 1ª * (*Lord President*) *June* 16 (No. 115)
Read 2ª * *June* 17
Committee * ; Report *June* 24
Read 3ª * *June* 27

Local Government Provisional Orders (Bath, &c.) Bill
(*The Marquess of Huntly*)
l. Royal Assent *June* 3 [44 *Vict.* c. xv]

Local Government Provisional Orders (Berwick-upon-Tweed, &c.) Bill
(*The Marquess of Huntly*)
l. Read 3ª * *June* 3 (No. 85)
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxi]

Local Government Provisional Orders (Birmingham) Bill
(*The Marquess of Huntly*)
l. Committee * *June* 16 (No. 94)
Report * *June* 17
Read 3ª * *June* 20
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxviii]

Local Government Provisional Orders (Birmingham, Tame, and Rea, &c.) Bill (*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 3 [Bill 160]
Read 3º * *June* 9
l. Read 1ª * (*Earl Dalhousie*) *June* 13 (No. 111)
Read 2ª * *June* 17
Committee * *June* 21
Report * *June* 23
Read 3ª * *June* 24

Local Government Provisional Orders (Brentford Union, &c.) Bill
(*The Marquess of Huntly*)
l. Committee * ; Report *June* 13 (No. 95)
Read 3ª * *June* 14
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxiii]

Local Government Provisional Orders (Cottingham, &c.) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 3 [Bill 162]
Read 3º * *June* 9
l. Read 1ª * (*Earl Dalhousie*) *June* 13 (No. 112)
Read 2ª * *June* 17
Committee * ; Report *June* 21
Read 3ª * *June* 23
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxx]

Local Government Provisional Orders (Halifax, &c.) Bill
(*The Marquess of Huntly*)
l. Read 2ª * *June* 13 (No. 106)
Committee * ; Report *June* 14
Read 3ª * *June* 16
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxvi]

Local Government Provisional Orders (Horfield, &c.) Bill
(*Mr. Hibbert, Mr. Dodson*)
c. Report * *June* 10 [Bill 166]
Considered * *June* 13
Read 3º * *June* 14
l. Read 1ª * (*Lord President*) *June* 16 (No. 116)
Read 2ª * *June* 17
Committee * ; Report *June* 24
Read 3ª * *June* 27

Local Government Provisional Orders (Poor Law) Bill
(*The Marquess of Huntly*)
l. Royal Assent *June* 3 [44 *Vict.* c. xvii]

Local Government Provisional Orders (Poor Law) (No. 2) Bill
(*The Marquess of Huntly*)
l. Read 3ª * *June* 13 (No. 88)
Royal Assent *June* 27 [44 & 45 *Vict.* c. lxii]

Local Inquiries (Ireland) Bill
(*Mr. P. J. Smyth, Mr. Fay, Mr. Joseph Cowen, Dr. Cameron*)
c. Bill withdrawn * *June* 29 [Bill 53]

London and South Western Railway Bill (by Order)
c. Considered *June* 10, 224
Moved, "That the Order of the 1st day of April last, which limits the time for the Second Reading of any Private Bill brought from the House of Commons, be dispensed with in respect of the said Bill, and that the Bill be read 2ª" (*The Earl of Redesdale*) *July* 4, 1915; after short debate, Motion agreed to; Bill read 2ª

Long, Mr. W. H., *Wilts, N.*
Land Law (Ireland), Comm. *cl.* 1, 713, 714, 715, 716; Motion for reporting Progress, 737

Longford, Earl of
Army Organization—Revised Memorandum—General Officers—The Five Years' Rule, 1479
Territorial Regiments—The Buffs—East Kent Regiment, 1469
Law and Justice (Ireland)—Substituted Process, 1918

Lowther, Hon. W., *Westmoreland*
Parliament—Rules and Orders—The Bradlaugh Petitions, 1114
Supply—House of Commons, 258
Secretary of State for Foreign Affairs, 277

Lunacy Districts (Scotland) Bill [H.L.]
(*The Earl of Dalhousie*)
l. Presented; read 1ª * *June* 13 (No. 108)

Lunacy Law Amendment [*Salaries*]
c. Considered in Committee *June* 16, 750
Resolution reported *June* 17

Lunacy Law Amendment Bill
(*Mr. Dillwyn, Sir George Balfour, Mr. Benjamin T. Williams*)
c. Committee *; Report *June* 20 [Bills 56-192]

Lusk, Sir A., *Finsbury*
Land Law (Ireland), Comm. *cl.* 1, 393
National Gallery, Res. 146
Supply—Metropolitan Police Court Buildings, 149
Natural History Museum, Erection of, 166, 171
New Courts of Justice and Offices, 153
Public Works in Ireland, 190
Rates on Government Property, 183
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Lyons, Dr. R. D., *Dublin*
Coroners (Ireland), Comm. *cl.* 1, Motion for reporting Progress, 1213
Land Law (Ireland), Comm. *cl.* 1, 52; *cl.* 4, 1149

Macartney, Mr. J. W. E., *Tyrone*
Alkali, &c. Works Regulation, Comm. *add. cl.* 444
Ireland—Miscellaneous Questions
Crime—City of Waterford, 1830
Evictions—Renvyle, Co. Galway, 851
Post Office—Postal Service, 1825
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Ireland, State of—Lord Kenmare's Estate, Explanation, 13
Outrage at Clifden, 333
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MARTIN, Mr. P., *Kilkenny Co.*
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c. Bill withdrawn * *July* 4 [Bill 151]

Metallic Mines (Gunpowder) Bill (*Mr. Joseph Pease, Mr. Macdonald, Mr. Charles Palmer, Mr. Burt*)
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Metropolitan Commons Supplemental Bill (*The Earl of Dalhousie*)
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Ordered, That Standing Orders 129 and 39 be suspended, and that the time for depositing Petitions against Private Bills, or against any Bill to confirm any Provisional Order, or Provisional Certificate, and for depositing duplicates of any Documents relating to any Bill to confirm any Provisional Order, or Provisional Certificate, be extended to Thursday the 9th instant (*The Chairman of Ways and Means*) *June* 3

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The Whitsuntide Recess, Moved, "That this House, at its rising, do adjourn till Thursday next" (*Mr. Gladstone*) *June* 3, 24; after short debate, Motion agreed to;—*Absence of Ministers*, Question, Sir H. Drummond Wolff; Answer, Mr. Gladstone *June* 9, 116;—Question, Sir Stafford Northcote; Answer, Mr. Gladstone; Observation, Mr. Speaker *June* 9, 113; Observations, Mr. Gladstone, Sir Stafford Northcote *June* 27, 1379; Ministerial Statement, Mr. Gladstone; short debate thereon *July* 4, 1967;—*Orders of the Day—The Notice Paper*, Question, Mr. Healy; Answer, Mr. Speaker *June* 14, 569;—*Scotch Business—Legislation*, Question, Mr. Anderson; Answer, Mr. Gladstone *June* 16, 647;—*Army Organization*, Question, Sir Walter B. Barttelot; Answer, Mr. Gladstone *June* 17, 768;—*Order of Business—The Army Estimates*, Statement, Mr. Childers; short debate

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thereon *June* 21, 989 ;—*Land Law (Ireland) Bill*, Questions, Mr. H. H. Fowler, Mr. Healy ; Answers, Mr. Gladstone *June* 23, 1116 ;—*The Transvaal Debate*, Question, Sir Michael Hicks-Beach ; Answer, Mr. Gladstone ; Observations, Sir Stafford Northcote, Sir Michael Hicks-Beach ; Reply, Mr. Gladstone *June* 23, 1120 ;—*Parliamentary Oaths Bill*, Questions, Sir Eardley Wilmot, Sir H. Drummond Wolff ; Answers, Mr. Childers *June* 24, 1224 ;—*Morning Sittings*, Question, Mr. Biggar ; Answer, Sir William Harcourt *June* 29, 1545 ; Question, Sir Stafford Northcote ; Answer, Mr. Gladstone *June* 30, 1655

Palace of Westminster—Lighting of this House, Questions, Mr. Dillwyn ; Answers, Mr. Shaw Lefevre *June* 9, 113 ; *June* 17, 769 ; Question, Mr. O'Shea ; Answer, Mr. Shaw Lefevre *June* 28, 1488

Accommodation of Members of this House, Question, Mr. Hussey Vivian ; Answer, Mr. Shaw Lefevre *July* 4, 1957

Accommodation for Reporters, Questions, Mr. O'Shea, Mr. Onslow, Sir Alexander Gordon ; Answers, Mr. Shaw Lefevre *June* 21, 985

The Assistant Serjeant-at-Arms, Question, Mr. Onslow ; Answer, Lord Frederick Cavendish *June* 23, 1104

Parliament — Business of the House— Land Law (Ireland) Bill

Moved, "That, on and after Wednesday next, the several stages of the Land Law (Ireland) Bill have precedence of all Orders of the Day and Notices of Motions, on all days when it is set down among the Orders, until the House shall otherwise determine" (*Mr. Gladstone*) *June* 28, 1490

Amendt. to leave out "when it is set down among the Orders" (*Mr. Chaplin*) ; Question proposed, "That the words, &c. ;" after debate, Question put, and agreed to ; main Question put, and agreed to

Parliament—State of Ireland—Reported Outrages in Galway—Rules of Debate —Suspension of a Member

Questions, Mr. Tottenham, Mr. T. P. O'Connor, Sir Stafford Northcote, Mr. O'Kelly ; Answers, Mr. Speaker *June* 3, 17

Moved, "That Mr. O'Kelly be suspended from the service of the House during the remainder of this day's sitting" (*Mr. Gladstone*) ; Question put ; A. 188, N. 14 ; M. 174 (D. L. 227) ; after short debate, Mr. Speaker directed Mr. O'Kelly to withdraw, and he withdrew accordingly

Questions, Mr. Justin M'Carthy Mr. Tottenham, Mr. T. P. O'Connor, Mr. O'Shea ; Answers, Mr. Speaker, The Attorney General for Ireland ; Notice of Motion, Mr. Parnell, 24

PARLIAMENT—HOUSE OF LORDS

New Peer

June 20—His Royal Highness Prince Leopold George Duncan Albert, created Baron Arklow, Earl of Clarence, and Duke of Albany

Sat First

June 21—The Lord Tenterden, after the death of his uncle

Representative Peer for Ireland (Writs and Returns)

June 13—The Earl of Bandon, *v.* Lord Dunboyne, deceased

PARLIAMENT—HOUSE OF COMMONS

New Writ Issued

July 4—*For* the District of Elgin, *v.* the Right Hon. Mountstuart Elphinstone Grant Duff, Governor of the Presidency of Fort St. George at Madras, in the East Indies

Parliamentary Registration Bill

(*Mr. Boord, Mr. Ashton Dilke, Mr. Grantham*)

c. Read 2°* *June* 22 [Bill 165]

PARNELL, Mr. C. S., *Cork*

- Ireland—Peace Preservation Act, 1881—Refusal of an Arms Licence, 1104, 1105, 1645
- Ireland—Protection of Person and Property Act, 1881—Miscellaneous Questions
  - J. M'Murray, a Prisoner under the Act, 1645
  - J. R. Heffernan, 1831
  - Letters to Political Prisoners (Mr. Hodnett), 16, 17
  - Michael Davitt, 1658
  - Proclamation of Waterford, 1373
  - T. Harrington, a Prisoner under the Act, 1830
- Ireland, State of—Miscellaneous Questions
  - Case of E. J. Barrett, 1643
  - Disturbances at Quinlan's Castle, New Pallas, Co. Limerick, 21, 470
  - Evictions, 769 ;—in Arranmore, 16 ;—Case of Philip MacCabe, Leitrim Co. 1642, 1643
  - Hindrance to Serving Processes of Law, 1832, 1833
  - Infliction of Penalties for Refusing to Supply the Constabulary with Cars, 6
  - Land League Organization, 343
  - Landlord and Tenant, 346 ; — Colonel Forbes, 340
  - Lord Kenmare's Estate, Explanation, 9
  - Proclamation of Baronies in the King's Co. 3
- Irish Executive, Motion of Censure, 65, 91
- Land Law (Ireland), Comm. *cl.* 1, 41, 52, 362, 407, 500, 505, 508, 511, 676, 710, 715, 729 ; *cl.* 3, 801, 807, 814, 893, 895, 922 ; *cl.* 4, 941, 1003, 1004, 1009, 1011, 1019 ; Amendt. 1020, 1021, 1023, 1134, 1149, 1158, 1179, 1384, 1409, 1413 ; *cl.* 5, 1524, 1528, 1533,

[*cont.*

PARNELL, Mr. C. S.—*cont.*
1537; *cl.* 7, 1661, 1670, 1836, 1837, 1838, 1839, 1866, 1875, 1896, 1897; Amendt. 1900, 1901, 1904, 1987, 1990, 2039
Parliament—Rules of Debate—Suspension of Members, 24
Parliament—Business of the House—Land Law (Ireland), Res. 1513

Patents for Inventions Bill
(*Mr. Anderson, Mr. Alexander Brown, Mr. Hinde Palmer, Mr. Broadhurst*)
c. Moved, "That the Bill be now read 2°" *June* 15, 570
Amendt. to leave out "now," and add "upon this day six months" (*Mr. Dillwyn*); Question proposed, "That 'now,' &c.;" after debate, Amendt. withdrawn; main Question put, and agreed to; Bill read 2° [Bill 15]

PEASE, Mr. A., *Whitby*
Western Pacific—Kidnapping Natives, 1096

PEASE, Mr. J. W., *Durham, S.*
Capital Punishment (Abolition), 2R. 1037, 1083
China—Commercial Treaties, 1351

PEDDIE, Mr. J. DICK-, *Kilmarnock, &c.*
Court of Session (Scotland), 1947;—Admission of Reporters, 1830
Supply—Museum of Science and Art, Dublin, 209
Natural History Museum, Erection of, 168

PELL, Mr. A., *Leicestershire, S.*
Copyhold Enfranchisement [Stamp Duty], Res. 749
Land Law (Ireland), Comm. *cl.* 4, Amendt. 1016, 1187, 1188; *cl.* 7, Motion for reporting Progress, 1911, 1912

PERCY, Right Hon. Earl, *Northumberland, N.*
Alkali, &c. Works Regulation, Comm. Schedule, 447; Amendt. 448, 450
Copyhold Enfranchisement [Stamp Duty], Res. 749
France and Tunis—Financial Commissions, 653
Ireland, State of—Disturbances at Quinlan's Castle, New Pallas, Co. Limerick, 23
Land Law (Ireland), Comm. *cl.* 7, 2022
Metropolitan Open Spaces Act (1877) Amendment, Comm. *cl.* 2, 1747
Parliament—Order of Business, 991, 994

Petroleum (Hawking) Bill [H.L.]
(*The Earl of Dalhousie*)
l. Presented; read 1ª * *June* 30 (No. 139)

Petty Sessions Clerks (Ireland) Bill
(*Mr. Litton, Mr. James Richardson*)
c. Considered * *June* 3 [Bill 41]
Read 3° * *June* 15
l. Read 1ª * (*Viscount Powerscourt*) *June* 16
Read 2ª * *June* 21 (No. 113)

[*cont.*

Petty Sessions Clerks (Ireland) Bill—cont.]
Committee *; Report *June* 23
Read 3ª * *June* 24
Royal Assent *June* 27 [44 & 45 *Vict.* c. 18]

Pier and Harbour Orders Confirmation, *consolidated with the* **Pier and Harbour Orders Confirmation (No. 2) Bill**
(*Mr. Chamberlain, Mr. Evelyn Ashley*)
c. Report * *June* 17 [Bills 143-161]
Considered * *June* 20
Read 3° * *June* 21
l. Read 1ª * *June* 21 (No. 122)

PLAYFAIR, Right Hon. Mr. Lyon (Chairman of Committees of Ways and Means and Deputy Speaker), *Edinburgh and St. Andrew's Universities*
Coroners (Ireland), Comm. *add. cl.* 1215
Land Law (Ireland), Comm. *cl.* 1, 387, 388, 407, 408, 423, 424, 430, 435, 478, 484, 490, 491, 500, 502, 503, 505, 516, 658, 669, 670, 674, 714, 742, 743, 745; *cl.* 2, 748, 777, 780, 785; *cl.* 3, 797, 804, 892, 895, 898, 909, 920; *cl.* 4, 941, 942, 997, 1027, 1028, 1030, 1124, 1125, 1126, 1127, 1128, 1130, 1133, 1147, 1152, 1154, 1159, 1160, 1161, 1162, 1164, 1165, 1166, 1174, 1175, 1176, 1177, 1178, 1179, 1184, 1196, 1197, 1203, 1205, 1210, 1211, 1401, 1408, 1409, 1453, 1458; *cl.* 5, 1518, 1526, 1528, 1533, 1552, 1553, 1557, 1558, 1559, 1575; *cl.* 7, 1596, 1599, 1678, 1679, 1680, 1681, 1682, 1685, 1686, 1690, 1699, 1703, 1710, 1711, 1729, 1734, 1735, 1744, 1745, 1746, 1839, 1840, 1842, 1844, 1874, 1882, 1892, 1893, 1898, 1901, 1902, 1904, 1907, 1909, 1910, 1971, 1976, 1986, 2003, 2014, 2015, 2016, 2018, 2021, 2022, 2029, 2030, 2031, 2035, 2036, 2043, 2044, 2045, 2046, 2052
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Sale of Intoxicating Liquors on Sunday (Wales), Comm. *cl.* 1, 624
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Harbours, &c. under the Board of Trade, 173, 176
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Natural History Museum, 170
Public Works in Ireland, 188, 190
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PLUNKET, Right Hon. D. R., *Dublin University*
Land Law (Ireland), Comm. *cl.* 1, 400, 476, 494, 520, 521; *cl.* 2, 783; Amendt. 789; *cl.* 3, Amendt. 902; *cl.* 4, 1025, 1188; Amendt. 1422, 1423; *cl.* 5, Amendt. 1529, 1531, 1564, 1578, 1585; *cl.* 7, 1723, 1848, 1852, 1862; Amendt. 1864, 1865, 1972, 1986, 1989, 2001

Poor Law
MISCELLANEOUS QUESTIONS
Board of Guardians — Swineford Union, Question, Mr. O'Connor Power; Answer, The Attorney General for Ireland *June* 3, 4

[*cont.*

Poor Law—cont.
Fees to Medical Officers, Question, Mr. Thorold Rogers; Answer, Mr. Dodson *June* 20, 852
Poor Law Medical Officers—Mr. Bele, Question, Mr. Firth; Answer, Mr. Dodson *June* 23, 1099

Post Office
Miscellaneous Questions
Postage Stamps, Question, Mr. Grantham; Answer, Mr. Fawcett *June* 16, 648
Postcards, Question, Mr. James Howard; Answer, Mr. Fawcett *June* 20, 847
Post Office Savings Bank Act—Depositors' Accounts, Question, Mr. Rodwell; Answer, Mr. Fawcett *June* 14, 468
The Metropolitan Letter Carriers, Questions, Mr. Schreiber; Answers, Mr. Fawcett *June* 23, 1101; Question, Mr. O'Shaughnessy; Answer, Mr. Fawcett *June* 30, 1648
The Belfast Letter Carriers, Question, Mr. Biggar; Answer, Mr. Fawcett *July* 1, 1823
The Sorting Clerks, Question, Viscount Sandon; Answer, Mr. Fawcett *June* 17, 759

Telegraph Department
Highland Counties of Scotland, Question, Lord Colin Campbell; Answer, Mr. Fawcett *June* 27, 1358
Telegraphic Communication with Shetland, Question, Mr. Laing; Answer, Mr. Fawcett *June* 20, 840
Telegraph Forms and Postcards, Question, Mr. Jackson; Answer, Mr. Fawcett *June* 27, 1360
Telegraph Wires (*Metropolis*), Questions, Sir Henry Tyler; Answers, Mr. Gladstone, Mr. Fawcett *June* 14, 466;—*Telegraph Posts*, Question, Mr. Pugh; Answer, Mr. Fawcett *July* 4, 1940
The Telegraph Service (*Ireland*)—*Mr. William Bell*, Question, Mr. Biggar; Answer, Mr. Fawcett *June* 14, 472
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Relief Clerks, Question, Mr. W. J. Corbet; Answer, Mr. Fawcett *July* 1, 1824
The Telegraph Staff, Notice of Question, Mr. O'Donnell *June* 20, 836; Question, Lord Randolph Churchill; Answer, Mr. Fawcett, *ib*

Post Office (Land) Bill
(*Mr. Fawcett, Lord Frederick Cavendish*)
c. Read 2° * *June* 3 [Bill 150]
Committee *; Report *June* 13
Considered *; read 3° *June* 14
l. Read 1ª * (*Lord Thurlow*) *June* 16 (No. 114)
Read 2ª * *June* 21
Committee *; Report *June* 23
Read 3ª * *June* 27

Power, Mr. J. O'Connor, *Mayo*
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Power, Mr. J. O'Connor—*cont.*
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Power, Mr. R., *Waterford*
Crime (Ireland)—City of Waterford, 1828, 1830
Protection of Person and Property (Ireland) Act, 1881—Prescribing the City of Waterford, 1227, 1366, 1369

Powerscourt, Viscount
Tramways (Ireland) Acts Amendment, Report of Amendts. *cl.* 7, 833

Powis, Earl of
Army Organization—Revised Memorandum—General Officers—The Five Years' Rule, 1475

Presumption of Life (Scotland) Bill
(*Mr. Anderson, Mr. Baxter, Mr. Orr Ewing, Mr. Preston Bruce, Mr. James Campbell*)
c. Report of Select Comm. * *June* 17 [No. 287]
Committee * (*on re-comm.*); Report *June* 27
Read 3° * *June* 30 [Bill 191]
l. Read 1ª * (*Lord Watson*) *July* 1 (No. 142)

Price, Captain G. E., *Devonport*
Navy—"Atalanta" Relief Fund, 351
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Prisons (*England*) *Act*, 1877—*Prison Labour*
Question, Mr. Thorold Rogers; Answer, Sir William Harcourt *June* 14, 465

Protection of Person and Property (*Ireland*) *Act*, 1881—See under *Ireland*

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Covered Dust Carts (*Metropolis*), Question, Viscount Newport; Answer, Mr. Dodson *June* 23, 1099
Small-Pox at Gravesend, Question, Mr. Findlater; Answer, Sir William Harcourt *June* 13, 342
Vaccination—Death at Plymouth, Question, Mr. P. A. Taylor; Answer, Mr. Dodson *June* 28, 1480

Pugh, Mr. L. P., *Cardiganshire*
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Puleston, Mr. J. H., *Devonport*
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Excessive Rates—The South Western Railway, Question, Mr. Labouchere; Answer, Mr. Chamberlain *June* 9, 112
Railway Accidents — The "Cow-Catcher," Questions, Mr. Ferguson; Answers, Mr. Chamberlain *June* 16, 645
Railway Passengers' Communication, Questions, Mr. Sheridan; Answers, Mr. Chamberlain *June* 30, 1649

RANKIN, Mr. J., *Leominster*
Land Law (Ireland), Comm. *cl.* 4, Amendt. 1022

RATHBONE, Mr. W., *Carnarvonshire*
Army—Auxiliary Forces—Payment of Militiamen, 632
Parliament — Public Business, Ministerial Statement, 1970

REDESDALE, Earl of (Chairman of Committees)
Army—Desertions, 1921
Ballyclare, Ligoniel, and Belfast Junction Railway, 3R. 1341
London and South-Western Railway, 2R. 1915
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REDMOND, Mr. J. E., *New Ross*
Army—Barracks at New Ross, 14
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Ireland, State of—Infliction of Penalties for Refusing to Supply the Constabulary with Cars, 5, 6
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Reformatory Institutions (Ireland) Bill
(*Mr. O'Shaughnessy, Mr. Gabbett, Mr. Gray*)
c. Read 2° *June* 9, 221 [Bill 18]
Committee *; Report *June* 16 [Bill 190]

Regulation of the Forces Bill
(*Mr. Secretary Childers, The Judge Advocate General, Mr. Campbell-Bannerman*)
c. Ordered; read 1° * *June* 20 [Bill 193]

Relief of Distress (Ireland) Act Amendment Bill
(*Major Nolan, Mr. O'Shea, Mr. James Corry, Mr. Justin M'Carthy, Mr. Litton, Colonel Colthurst, Mr. O'Sullivan, Mr. Givan*)
c. Ordered; read 1° * *June* 23 [Bill 198]

RENDEL, Mr. S., *Montgomeryshire*
Distress for Rent, 2R. Amendt. 1085

RICHARD, Mr. H., *Merthyr Tydvil*
Sale of Intoxicating Liquors on Sunday (Wales), Consid. *cl.* 1, 950

RICHARDSON, Mr. J. N., *Armagh Co.*
Land Law (Ireland), Comm. *cl.* 1, 488; *cl.* 4, 1144; *cl.* 5, 1569

RICHMOND AND GORDON, Duke of
Army Organization—Territorial Regiments—The Buffs—East Kent Regiment, 1468
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Landlord and Tenant (Ireland), Motion for Papers, 1803, 1817

RIDLEY, Sir M. W., *Northumberland, N.*
Land Law (Ireland)—Clause 5—£100 Tenancies, 1122

RITCHIE, Captain C. T., *Tower Hamlets*
Army—Auxiliary and Reserve Forces—Recent Honours, 647
Ireland, State of—Disturbances at Clonmel, 241, 242;—at Quinlan's Castle, New Pallas, Co. Limerick, 22
Land Law (Ireland), Comm. *cl.* 1, 372, 670; *cl.* 3, 928
Parliament—Business of the House—Land Law (Ireland), Res. 1510
Sugar Industries — Statistics, 1944, 1945, 1946, 1965

River Floods Prevention Bill
(*Mr. Magniac, Mr. Dodds, Mr. Hubbard, Mr. Biddulph, Sir Charles Reed*)
c. Report of Select Comm.* *June* 29

Rivers Conservancy and Floods Prevention Bill [H.L.] (*Mr. Dodson*)
c. Order read, for resuming Adjourned Debate on Nomination of Select Committee [4th May] *June* 9, 216; Moved, "That the Debate be further adjourned until To-morrow"
Amendt. to leave out "To-morrow," and insert "Thursday 23rd June" (*Mr. Brodrick*); Question proposed, "That 'To-morrow,' &c.;" after short debate, Amendt. and Motion withdrawn; Debate further adjourned till To-morrow
Order read, for resuming Adjourned Debate on Nomination of Select Committee [4th May], "That the Select Committee on the Rivers Conservancy and Floods Prevention Bill do consist of nineteen Members;" Question again proposed; Debate resumed *June* 10, 282
Amendt. to leave out "nineteen," and insert "twenty-one" (*Mr. Heneage*) *v.*; Question, "That 'nineteen' stand part of the Question," put, and negatived; Question, "That 'twenty-one' be inserted instead thereof," put, and agreed to
Ordered, That the Select Committee on the Rivers Conservancy and Floods Prevention Bill do consist of Twenty-one Members; Select Committee nominated; List of the Committee
Moved, "That the Committee have power to send for persons, papers and records" (*Mr. Stanhope*); after short debate, Question put; A. 63, N. 116; M. 53 (D. L. 238)

[*cont.*

Rivers Conservancy and Floods Prevention Bill—cont.
Moved, "That the River Floods Prevention Bill be referred to the Select Committee" (*Mr. Magniac*); after short debate, Motion agreed to
Ordered, That all Petitions for or against the Bills be referred to the said Select Committee (*Mr. Hibbert*)
Report of Select Comm.* *June* 29 [No. 303]

Roads Provisional Order (Edinburgh) Bill (*Secretary Sir William Harcourt, The Lord Advocate*)
c. Ordered; read 1°* *June* 13 [Bill 185]
Read 2°* *June* 28

Roberts, Mr. J., *Flint, &c.*
Sale of Intoxicating Liquors on Sunday (Wales), Comm. *cl.* 2, 626; Consid. *cl.* 3, Amendt. 952

Rodwell, Mr. B. B. H., *Cambridgeshire*
Land Law (Ireland), Comm. *cl.* 1, 701, 743
Post Office Savings Bank Act—Depositors' Accounts, 468

Rogers, Mr. J. E. Thorold, *Southwark*
Poor Law—Fees to Medical Officers, 852
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Rosebery, Earl of
Greek Frontier, Address for a Paper, 1631, 1632
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Russell, Mr. C., *Dundalk*
Land Law (Ireland), Comm. *cl.* 1, 393, 408, 427, 488; Amendt. 491, 506, 672, 673, 679; *cl.* 2, 791; Amendt. 794; *cl.* 3, 810, 879; Amendt. 885, 893, 903, 911, 918; *cl.* 4, 1397, 1433, 1452; *cl.* 5, Amendt. 1531, 1538, 1540, 1585; *cl.* 7, 1591, 1669; Amendt. 1711, 1725, 1733, 1977, 1992, 1994, 1998

Russia—Condition of Foreign Jews—Expulsion of Mr. L. Lewisohn, a Naturalized British Subject
Questions, Baron Henry De Worms; Answers, Sir Charles W. Dilke *June* 13, 336; *June* 16, 642; *June* 20, 847; *June* 23, 1096

Rylands, Mr. P., *Burnley*
Anglo-Turkish Convention, Motion for an Address, 1273
Cyprus—The Papers, 115
France and Tunis—Privileges and Immunities of Diplomatic Agents, 988
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Supply—Diplomatic and Consular Buildings, 215
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Science and Art Department Buildings, 157
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Survey of the United Kingdom, 153

Sale of Intoxicating Liquors on Sunday (Wales) Bill
(*Mr. Roberts, Mr. Richard, Mr. Samuel Holland, Mr. Hussey Vivian, Mr. Rathbone*)
c. Order for Committee read *June* 15, 614
Moved, "That it be an Instruction to the Committee, That they have power to extend the provisions of the Bill to Monmouthshire" (*Mr. Carbutt*); after short debate, Question put, and negatived; Moved, "That Mr. Speaker do now leave the Chair," 617
Amendt. to leave out from "That," and add "this House will, upon this day six months, resolve itself into the said Committee" (*Mr. Warton*) *v.*; Question proposed, "That the words, &c.;" after short debate, Question put; A. 123, N. 29; M. 94 (D. L. 251
Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee; Report
Considered *June* 20, 949 [Bill 3]

Salisbury, Marquess of
Army Desertions—"Waste of the Army," Res. 830
Charitable Trusts, Report of Amendts. *add. cl.* 835
Greek Frontier, Address for a Paper, 1626, 1632
Irish Land Question—Duke of Argyll's Motion—Postponement, 1089
Landlord and Tenant (Ireland), Motion for Papers, 1812
Married Women's Property (Scotland), Comm. *cl.* 1, 627
Tunis, Address for Circular, 976
United States—Attempted Assassination of the President, 1914
Veterinary Surgeons, Comm. *cl.* 3, Amendt. 1459

Samuelson, Mr. H. B., *Frome*
Liquor Traffic, Res. 546

Sandon, Right Hon. Viscount, *Liverpool*
Asia (Central)—Advance of Russia, 1348, 1349
Commercial Relations with France—New French Tariff, 1483, 1484, 1961, 1962, 1963
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SANDWICH, Earl of
Law and Justice (Ireland)—Substituted Process, 1919

SCHREIBER, Mr. C., *Poole*
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Land Law (Ireland), Comm. *cl.* 7, 1841
Parliament — Business of the House, 1833, 1834
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Science and Art—South Kensington Museum—The Zollverein Collection of Minerals, &c.
Question, Mr. Hicks; Answer, Mr. Mundella *June* 21, 984

Science and Art—The National Gallery
Amendt. on Committee of Supply *June* 9, To leave out from "That," and add "in the opinion of this House, it is expedient that immediate steps be taken to carry out extensions to the National Gallery, so as to afford sufficient accommodation for the present collection, and for probable future additions" (*Mr. Coope*) *v.*, 141; Question proposed, "That the words, &c.;" after short debate, Question put, and agreed to

SCLATER-BOOTH, Right Hon. G., *Hants, N.*
Alkali, &c. Works Regulation, Comm. *add. cl.* 444; Schedule, 446, 451
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MISCELLANEOUS QUESTIONS
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Criminal Procedure, Question, Observations, The Earl of Minto, Lord Waveney; Reply, The Earl of Dalhousie *June* 13, 325
Minister for Scotland, Observations, Question, The Earl of Fife; Answer, Earl Granville; short debate thereon *June* 13, 308
Movement of Animals Order—Importation of Cattle into Scotland, Question, Mr. Dalrymple; Answer, Mr. Mundella *June* 23, 1108
The Sasine Office, Edinburgh, Question, Sir Stafford Northcote; Answer, Lord Frederick Cavendish *June* 30, 1641
Threatened Evictions in Skye, Question, Dr. Cameron; Answer, Sir William Harcourt *June* 13, 355

SCOTT, Mr. M. D., *Sussex, E.*
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Sea Fisheries (Clam and Bait Beds) Bill
(*The Lord Sudeley*)
l. Royal Assent *June* 3 [44 *Vict.* c. 11]

SEXTON, Mr. T., *Sligo*
Ireland—Protection of Person and Property Act, 1881—Arrested Persons—The Three Monthly Investigation, 355
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SHAW, Mr. W., *Cork Co.*
Land Law (Ireland), Comm. *cl.* 1, 50, 410, 482, 498, 501, 511, 678, 707, 778; *cl.* 3, 808, 890, 903; *cl.* 4, 1000, 1015, 1167, 1173, 1207, 1387, 1411, 1435, 1441; *cl.* 5, 1556, 1563; *cl.* 7, 1665, 1718, 1742, 1861, 1872, 1985

SHERIDAN, Mr. H. B., *Dudley*
Railways—Railway Passengers' Communication, 1649, 1650

SIDMOUTH, Viscount
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Solway Fisheries Amendment Bill [H.L.]
(*The Earl of Dalhousie*)
l. Presented; read 1ª* *July* 1 (No. 141)

Solway Fisheries (Scotland) Bill [H.L.]
(*The Earl of Galloway*)
l. Presented; read 1ª* *July* 4 (No. 144)

Spain and England — Gibraltar — The Neutral Ground and Maritime Jurisdiction
  Question, Mr. Dodds; Answer, Sir Charles W. Dilke *June* 30, 1640

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  Land Law (Ireland), Comm. *cl.* 1, 493; Amendt. 738, 739; *cl.* 4, 1033; Amendt. 1133, 1135, 1184, 1847, 1848, 1850
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Statute Law Revision and Civil Produre Bill [H.L.]
(*The Lord Chancellor*)
l. Presented; read 1ª * *July* 1 (No. 140)

Stolen Goods Bill [H.L.]
(*The Lord Chancellor*)
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(*Mr. Litton, Mr. Errington, Mr. Broadhurst*)
c. Order read, for resuming Adjourned Debate on Question [6th April], " That the Bill be now read 2°;" Question again proposed; Debate resumed *June* 15, 613; after short debate, Motion withdrawn; Bill withdrawn [Bill 33]

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(*Mr. Marjoribanks, Lieut.-Colonel Milne-Home, Sir Matthew Ridley, Mr. Arthur Elliot*)
c. Read 2° *June* 9, 221 [Bill 179]
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l. Read 1ª* (*Earl of Dalhousie*) *June* 23 (No. 124)
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Summary Procedure (Scotland) Amendment Bill [H.L.]
(*The Earl of Dalhousie*)
l. Read 2ª *June* 27, 1347 (No. 99)

SUMMERS, Mr. W., *Stalybridge*
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Suspension of Evictions (Ireland) Bill
(*Major Nolan, Mr. Patrick Martin, Mr. Healy, Mr. Mitchell Henry, Mr. A. M. Sullivan, Dr. Kinnear, Mr. Sexton, Mr. Moore, Mr. Biggar, Mr. Litton*)
c. Moved, " That leave be given to bring in a Bill to Suspend Evictions in Ireland for a limited period, on payment of six months' rent" (*Major Nolan*) *June* 14, 564; Moved, " That the Debate be now adjourned " (*Sir H. Drummond Wolff*); after short debate, Question put; A. 26, N. 148; M. 122 (D. L. 250)
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(*The Lord Advocate, Secretary Sir William Harcourt*)
c. Bill withdrawn* *July* 4 [Bill 118]

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l. Report *June* 20, 832 (No. 92)
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Tramways Orders Confirmation (No. 1) Bill (*Mr. Ashley, Mr. Chamberlain*)
c. Report* *June* 21 [Bill 167]
  Considered * *June* 22
  Read 3º* *June* 23
l. Read 1ª* *June* 23 (No. 125)

Tramways Orders Confirmation (No. 2) Bill (*Mr. Ashley, Mr. Chamberlain*)
c. Report * *June* 21 [Bill 169]
  Considered * *June* 22
  Read 3º* *June* 23
l. Read 1ª* *June* 23 (No. 126)

Tramways Orders Confirmation (No. 3) Bill (*Mr. Ashley, Mr. Chamberlain*)
c. Report* *June* 24 [Bill 169]
  Considered * *June* 27
  Read 3º * *June* 28
l. Read 1ª* *June* 28 (No. 135)

Treaty of Berlin—Article 23—*Reforms in European Turkey*
  Question, Sir H. Drummond Wolff; Answer, Sir Charles W. Dilke *June* 13, 336

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  The Enfida Case, Questions, The Earl of Bective, Lord Randolph Churchill; Answers, Sir Charles W. Dilke *June* 28, 1486; Question, Baron Henry De Worms; Answer, Sir Charles W. Dilke *July* 4, 1955
    [See title *France and Tunis*]

Tunis (*M. Roustan's Circular*)
  Moved, "That an humble Address be presented to Her Majesty for Copy of M. Roustan's Circular promulgating a decree of His Highness the Bey of Tunis constituting him, as French Minister resident, the sole official intermediary between all foreign representatives and the Government of Tunis; also copy of the instructions issued to the British Political Agent at Tunis on the subject, and for other papers and correspondence relative to the Treaty recently concluded between France and Tunis" (*The Earl De La Warr*) *June* 21, 962; after short debate, Motion agreed to

Turkey
Miscellaneous Questions
Ransoms of British Subjects Captured by Brigands, Question, Mr. Briggs; Answer, Mr. Gladstone *June* 16, 636
The Albanian League, Questions, Lord Edmond Fitzmaurice, Sir H. Drummond Wolff; Answers, Sir Charles W. Dilke *June* 13, 346
The late Sultan, Abdul Aziz—Midhat Pasha, Question, Mr. M'Coan; Answer, Sir Charles W. Dilke *July* 1, 1826; Question, Observations, Earl De La Warr; Reply, Earl Granville *July* 4, 1914

Turkey—See title *Anglo-Turkish Convention*

Turkey and Greece
The Frontier Question, Postponement of Motion for Papers, Lord Stratheden and Campbell; Question, The Earl of Rosebery; Answer, Earl Granville *June* 13, 307; Question, Mr. Arthur Arnold; Answer, Sir Charles W. Dilke *June* 20, 856; Question, The Earl of Rosebery; Answer, Earl Granville *June* 30, 1604
Moved, That an humble Address be presented to Her Majesty for any protocol or treaty which forms the basis of the European concert alluded to in several despatches (*The Lord Stratheden and Campbell*) *June* 30, 1606; after debate, Motion withdrawn

Turkey in Asia—Reforms
Question, Mr. Bryce; Answer, Sir Charles W. Dilke *July* 4, 1961

Tyler, Sir H. W., *Harwich*
Land Law (Ireland), Comm. *cl.* 7, 1903
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Union Justices (Ireland) Bill
(*Mr. O'Sullivan, Major Nolan, Mr. Parnell, Mr. Richard Power, Mr. Metge*)
c. Bill withdrawn* *June* 29 [Bill 124]

United States
Attempted Assassination of the President, Question, The Marquess of Salisbury; Answer, Earl Granville *July* 4, 1914; Question, Sir Stafford Northcote; Answer, Mr. Gladstone, 1935
Organization of Outrages, Question, Mr. E. Stanhope; Answer, Mr. Gladstone *June* 20, 844

Universities (Scotland) Registration of Parliamentary Voters, &c. Bill [h.l.]
(*The Lord Watson*)
l. Presented; read 1ª* *June* 23 (No. 130)

Vaccination Act, 1867—*Sec.* 31
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(*The Lord Aberdare*)
l. Committee; Report; Bill re-committed *June* 23, 1087 (No. 87)
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Vivian, Mr. H. Hussey, *Glamorganshire*
Licensing Acts—Spurious Clubs, 1950
Parliament — Accommodation of Members, 1957
Sale of Intoxicating Liquors on Sunday (Wales), Consid. *cl.* 1, 952

Volunteer Corps (Ireland) Bill
(*Mr. P. J. Smyth, Mr. Patrick Martin*)
c. Bill withdrawn* *June* 14 [Bill 12]

Wallace, Sir R., *Lisburn*
Land Law (Ireland), Comm. *cl.* 1, Amendt. 485, 490; *cl.* 7, 1900

Walter, Mr. J., *Berkshire*
Land Law (Ireland), Comm. *cl.* 4, 1144

Warton, Mr. C. N., *Bridport*
Alkali, &c. Works Regulation, Comm. *add. cl.* 443
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(*The Earl of Dalhousie*)
l. Read 2ª* *June* 16 (No. 102)

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WAYS AND MEANS
Inland Revenue—Income Tax on Farms in Hand, Question, Sir Robert Loyd Lindsay; Answer, Mr. Gladstone *June* 30, 1655

WAYS AND MEANS
Considered in Committee *June* 14
Resolved, That, towards making good the Supply granted to Her Majesty for the service of the year ending on the 31st day of March 1882, the sum of £1,023,327 be granted out of the Consolidated Fund of the United Kingdom
Resolution reported, and agreed to *June* 15

WEBSTER, Mr. J., *Aberdeen*
Married Women's Property (Scotland), Lords Amendts. Consid. *cl.* 7, 1751

WEDDERBURN, Sir D., *Haddington Burghs*
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WIGGIN, Mr. H., *Staffordshire, E.*
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Wild Birds Protection Act, 1880, Amendment Bill [H.L.]
(*The Earl of Dalhousie*)
l. Presented; read 1ª* *June* 16 (No. 118)
Read 2ª *June* 28, 1463

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WILMOT, Sir J. E., *Warwickshire, S.*
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ERRATA.

Page 23, line 20 from top, *for* COLONEL BARNE, *read* VISCOUNT GALWAY.
Page 1331, lines 19 and 20 from bottom, *for* "would probably have been no Turkish Convention," *read* "would probably now have been no Turkish Empire in existence."
Page 1360, lines 16 and 17 from top, *for* "12*s.* 6*d.*," *read* "11*s.* 6*d.*," and *for* "£45," *read* "£27."

END OF VOL. CCLXII., AND SIXTH VOL. OF SESSION 1881.

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BIBL.
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